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Department of Municipal Statistics
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DOCUMENTS

OF THE

CITY OF BOSTON,

FOR THE YEAR 1900.

IN FIVE VOLUMES.

VOLUME IV.

CONTAINING CITY DOCUMENT NO. 115.

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(See also Index in back of volume.)

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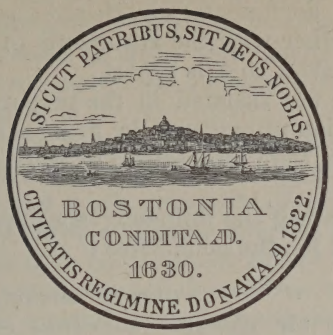
[DOCUMENT 115 — 1900.]



MAJORITY AND MINORITY REPORTS

OF

SPECIAL COMMITTEE OF THE BOARD OF ALDERMEN ON INVESTIGATION OF THE PARK DEPARTMENT.

MAJORITY REPORT.

To the Honorable the Board of Aldermen :

GENTLEMEN, — Your committee, appointed under the following orders:

Ordered, That the Chairman appoint a committee of seven members of this Board to investigate the management of the Park Department, and, if necessary, to summon persons and call for papers.

Passed.

J. M. GALVIN, *City Clerk pro tem.*

Ordered, That the special committee of this Board, appointed to investigate the management of the Park Deparment, be authorized to give public hearings, employ counsel and a stenographer, and incur such other expense as may be necessary; the expense of the same to be charged to the contingent fund of the Board of Aldermen.

Passed.

Approved by the Mayor, February 27, 1900.

Beg leave to submit the following report:

The committee has held fifteen afternoon sessions and five evening sessions. Over forty witnesses have been heard

orally, and much documentary evidence has been examined, all of which, together with the arguments of counsel, will be found in the appendix to this report.

The committee was assisted in the preparation of the case and the presentation of evidence by Joseph Lundy, Esq., and the Commissioners were represented by Nathan Matthews, Jr., Esq.

At the first hearing the following specifications were submitted by counsel for the committee:

CITY OF BOSTON, March 16, 1900.

To the Honorable the Special Committee of the Board of Aldermen appointed February 19, 1900, to investigate the Park Department of the City of Boston:

The complaint alleges negligence of this department by the Board of Commissioners, and consequent mismanagement, extravagance, gross waste, incompetency and corruption on the part of a number of subordinates of the department.

Respectfully submitted,

JOSEPH LUNDY,
Attorney for the Committee.

The period covered by the evidence taken at the investigation was substantially the four years from January 1, 1896, to January 1, 1900; although much of the testimony concerning the landscape features of the parks related to a prior period of time and to the acts of previous Commissioners.

The committee has been obliged to rely upon the Commissioners and employees of the Park Department as witnesses, and while such witness may have been prejudiced, the committee feels that their evidence was honest; but not as full as might be desired.

In the judgment of the committee, the charges have not been sustained by the evidence; and the committee accordingly find that there has been no negligence on the part of the Commissioners, and no consequent mismanagement, extravagance, gross waste, incompetency or corruption on the part of their subordinates.

The committee believes, however, that certain practices and methods disclosed by the evidence are not conducive to the proper management of the parks, and should be reformed.

The present location of the department headquarters is extremely inconvenient to the members of the City Government and to the general public. We believe that the headquarters should be brought back to the city proper, or at least

that a permanent and conveniently situated down-town office should be maintained, at which the weekly meetings of the Commissioners should be held, and where the secretary or some one else representing the Commissioners should be in constant attendance.

We think that the department is deficient in not having some one at headquarters who is thoroughly familiar with all the details of the work going on or projected, and with reasons for it, and capable of explaining the same intelligently to members of the City Government and to inquiring citizens at large. The Commissioners themselves cannot, of course, be expected to be constantly present at headquarters; and if the Superintendent should undertake this work it would be at the expense of neglecting the more important portion of his duties. We feel, however, that the constant presence at headquarters of some person having these qualfications is essential to the harmonious and satisfactory administration of the parks.

We find that the present system of boat service is unsatisfactory; and we feel that the present contract should be terminated as soon as legally possible. When this result is brought about we recommend that the Commissioners manage the whole system themselves through the Superintendent, or some person specially designated for the purpose.

The boat service at each park should be placed in charge of some person familiar with the needs of the locality where he is directly employed by the department. The charges should be fixed so as to cover merely the cost of the service, and should be directly credited to the Park Department.

We think also that the management of the head-house at Marine park is in many respects unsatisfactory; particularly with the reference to the scale of prices. Marine park is eminently a popular resort; and in our judgment the prices charged for meals and other services furnished should be much lower than those now charged.

We are also of the opinion that a building and plant costing $88,583.60 should, when let and used for business purposes, including a bathing pavilion, at least make some return for the use of the same to the city, and we hope the Commissioners will make some effort to see if this cannot be accomplished. If there is to be no profit to the city, surely a citizen of Boston should receive the privilege of conducting it.

The head-house should also, in our judgment, be leased to some person, preferably a resident of the city, familiar with the desires and requirements of the thousands of people who throng the pier in summer.

From evidence submitted we are satisfied the Commissioners had the best welfare of the men employed in mind when purchasing uniforms at one place, but we disagree as to the necessity of a uniform at all. We rather believe in the former liberty allowed in dress as in other matters.

It was clearly proven that favoritism is shown certain sections of the city in the employment of men. We recommend that hereafter, when names are sent from the Civil Service Commissioners, all citizens be treated alike, without distinction as to residence.

We find also, as more fully set forth below, that the Commissioners have been lacking in courage in the treatment of the problem presented by the plantations at the Fens, which had been so long neglected as to have required a more radical replanting than that which has been recently carried out.

We also are of the opinion that there should be more discretion exercised in the use of loam.

With these exceptions we find that the development and management of the parks during the past four years has been satisfactory and economical, and in conformity with the best theory and practice of public park administration in this country.

Taking up first the business or administrative questions presented by the evidence, we find that the Commissioners have been diligent in the performance of their duties; that the work of the Superintendent has been most satisfactory; and generally that the employees of the department have given faithful and efficient services.

In cases where the services of landscape engineers have been required, as in laying out the new playgrounds, the laying out of which we heartily indorse, the Commissioners have been fortunate in securing the valuable and gratuitous services of noted experts as landscape and aboricultural advisers.

We find no evidence of fraud on the part of anybody connected with the department during the last four years.

There was some evidence tending to show lax methods of inspection over the work done and materials bought. This evidence was disputed, and if true, would indicate a loss to the city extremely small in the aggregate in comparison with $1,800,000 expended by the Commissioners for construction during the last four years. We think, however, that additional superintendence over the execution of the work and the measurement of quantities may be desirable, particularly as the administrative duties of the Superintendent are likely to increase with the more general use of the parks by the people now that they are substantially completed. We heartily

indorse the policy of the Commission in acquiring playgrounds, and recommend the immediate completion of those already in their charge, and that as soon as possible playgrounds be established in all parts of the city where the population is congested, and there is need for such grounds.

Passing now to the work of the Commissioners, in so far as it has affected the general appearance or scenery of the parks, we find that certain changes, such as the introduction of a shubbery border between the walks and the water line at Jamaica pond, and the removal of the top course of the stone wall on the southerly side of the pond, are changes which were necessary.

The most extensive change in the completed work is that which has been brought about at Leverett park, where most of the artificial pools constructed in 1893 and 1894 have been filled up. These pools were introduced to enable the Natural History Society to carry out an elaborate scheme for a fresh water aquarium. After they were built the society was unable to raise the money required for the purpose, and were compelled to abandon the entire scheme. A change in the water level took place here, and the result was that the city found itself in possession of a large number of small artificial pools, which, owing to the abandonment of the aquarium plans, were meaningless, some of which were dry for a large part of the year, and all of which, owing to their depths and the steepness of their banks, were dangerous for children playing in the parks. Under these circumstances the Commissioners decided to fill the pools and to convert the land occupied by them into open spaces or glades where the children of the neighborhood could play in safety. In connection with this change an artificial water-fall at the outlet of Ward's pond was also removed for the reason that during the greater part of the year there was no water running over it; and certain walks, built solely with a view to the utilization of the pools for aquarial purposes, were also discontinued. We see nothing in these changes to criticise.

Other minor changes made by the present board of Park Commissioners, such as the removal of the much criticised wall on Glen road in Franklin park, the abandonment of the Valley Gates, which served no useful purpose and were dangerous to travel, and a slight alteration in the parapet at the so-called Funeral bridge in Franklin park have been made.

In the aggregate the changes effected in park work completed prior to 1897 have been few in number; the total cost of them has been only about $10,500; and all of them have proved to be, we think, desirable changes in themselves.

The original plans for Franklin park contemplated an elaborate concourse or "Greeting," similar to Rotten Row in Hyde Park, London. The loam was removed in preparation for the roads some time prior to 1896, but with this exception nothing has been done towards the construction of the Greeting, the total cost of which was estimated at from $175,000 to $200,000. As it seemed unlikely that public opinion would justify so great an outlay for any feature not strictly necessary, and as the facilities already provided in our park system for those who drive and ride were relatively greater than could be found in any other park in the world, it seemed to the Commissioners, as appears from their annual reports, that a simpler treatment of this portion of Franklin park might be devised which would not only be more economical in construction and maintenance, but more in keeping with the rural scenery and popular uses to which this park was to be devoted.

The cost of the Greeting was accordingly abridged, and at an expense of about $15,000 the Commissioners have created in place of it a beautiful open meadow, which they have styled the "Glade," and which is already the resort of great numbers of people, particularly women and children, who reach the park on foot or by the cars. The abolition of the Greeting, thus proposed, and further explained in the annual reports of the Commissioners, met, so far as we have been able to learn, with no opposition at the time, and commends itself to the judgment of the committee as a change alike in the interest of economy and of the people who use the parks.

A great deal of the testimony taken at the hearings consisted of opinions concerning the propriety or necessity of the alterations made in the so-called natural scenery of the parks, particularly Franklin park, and concerning the cutting and felling of trees and shrubs.

Most of the artificial features introduced into the parks, which were complained of by the witnesses, such as the roads in the Wilderness, the water works in Franklin park, the wall in Glen road, the so-called Funeral bridge, the refectory at Franklin park, the stone steps in Franklin park, the walks and wall around Jamaica pond, the artificial pools in Leverett park, the cascade in Leverett park, and the planting of exotic trees and shrubs, were the work of prior Commissioners and are not properly within the scope of this inquiry.

Practically the only changes in the appearance of the parks which have been brought about by the present Commissioners have consisted in some slight thinning of trees in the

Wilderness, in a partial and not satisfactory reconstruction of the plantations of the Fens, in the construction of boundary walls about some of the parks, and in the planting of border plantations around the edges of Franklin park.

The objections to boundary walls and plantations seem to be based upon a misconception of the true functions of a public rural park. We can understand that anyone who owns an expensive estate on the borders of Franklin park would derive great pleasure from an uninterrupted view across the park, and that the absence of border walls, or better still, an entrance immediately opposite his house, would add materially to its value. Similar views are not uncommonly held by the abutters upon parks in other cities, who have sometimes had sufficient influence to cause the border plantations, walls, entrances, etc., to be laid out or altered for their private benefit; but the Boston parks have thus far been planned and constructed with a sole view to the rights and interests of the public, and we trust that no departure from this practice will be tolerated by the present Commissioners or their successors in office.

The main object of a country park like Franklin park is to provide a place where the people at large, particularly those who are unable to leave the city, can find within its limits rest, and amid strictly rural scenes, quiet, and a complete change from their ordinary surroundings. People visit such parks for the sake of getting into the country and away from city sights and sounds. Scenes of rural peace and beauty, whither the tired workers of the city may come for physical and moral recreation, are the principal charms of such a park, and the main justification of its cost. The parks belong to the people, not to the abutters, and should be laid out for the benefit of those who visit them rather than for those who remain on the outside. Now, it is obvious that those who visit the parks will not be permitted to enjoy that sense of seclusion from the city which is their right, if the scenery has been so arranged as everywhere to disclose a background of private houses; and accordingly we find that wherever a park is large enough to be treated as a country park, its borders are lined with plantations, so that those who frequent it may, when once within, find as little as possible to remind them of the city.

The boundary walls are intended as a protection for the plantations, and to assist the management in the ordinary control of the park, and, as the evidence indicates, are to be found around nearly every large park in the United States. Those built for Boston parks are substantial stone fences of

moderate height, and we recommend that they be covered with vines as well as screened by trees and shrubs from the sight of visitors.

Some of the witnesses who appeared as critics of the department objected to the cutting and thinning of trees and shrubs which has recently taken place in the plantations and woods. Many of these gentlemen did not pretend to possess any expert knowledge of tree culture; but they assumed, with perhaps some degree of truth, to represent a far larger number of citizens who deplore the destruction of a tree unless its removal be necessary for the safety of those who frequent parks. On the other hand, the evidence was overwhelming that only by the frequent and judicious use of the axe can such woods as were found on our park lands when acquired by the city be restored to a healthy, vigorous, and natural growth; and that if new trees and shrubs are not planted thickly at the outset with a view to subsequent thinnings, and such thinnings do not take place, the plantations rapidly deteriorate and may in time have to be entirely renewed. These views were not only pressed upon the committee by all the witnesses, whether friendly to the Commissioners or not, who had knowledge of the subject, but appear to be shared by every recognized authority on tree culture and landscape architecture.

No authority was cited in opposition to these opinions; and the correctness of them has been further demonstrated to the committee by ocular observation of the woods and plantations in Franklin park, the Arboretum, and other parts of the park system, and by specimen trees which were cut down for the use of the committee for the purpose of showing the greater rapidity of growth attained under favorable conditions as to light and soil as compared with that possible under the conditions now obtaining in the Wilderness.

There has been apparently a wholesale removal of apple and other exotic fruit trees from Franklin park, as also of numerous rows of trees along the roads which formerly traversed that territory. These changes, as well as the removal of other trees for the sake of creating openings, glades, and vistas through the woods, were for landscape, as distinguished from arboricultural purposes, and practically all took place before the present Commissioners took office. Little work of this sort has been done by the present Board other than the destruction of certain Norway spruces and other foreign trees which experience has shown do not thrive in this climate. Very few trees, from the evidence, are to be removed for landscape reasons; and the committee feels con-

fident that this work will be carried out with the same disposition to save every thrifty and beautiful tree which has characterized the recent work of the Commissioners. We may refer particularly to the care exhibited in constructing the boundary fences on Morton street and Prince street, which in many places deviate from the line that would otherwise have been followed, for the mere sake of saving a tree.

As to the removal of trees for arboricultural reasons, whether in the wilderness of Franklin park or elsewhere, the evidence shows that no tree has been cut out by the present Commissioners which was a good tree in itself unless it was injuriously interfering with the life or growth of some other tree. The park woods were not of natural growth, that is, they were not composed of such trees as originally or in a state of nature clothed the surface of the land. They were the product of several generations of reckless tree-cutters, or repeated fires, and of a soil which, naturally thin, had become impoverished by the removal of the forest cover and by the annual inroads of fire. The result was a poor and stunted growth of trees, the absence of natural underwood, and the presence of many species of trees which, though of native origin, would not have been found in Franklin park under natural conditions.

Much yet remains to be done in the way of thinning, and for the protection and improvement of the soil, before the conditions as to soil and light will be such as to permit the gradual restoration of the woods in Franklin park to a natural and healthy condition.

We find that there has been no excessive destruction of trees from either a landscape or arboricultural standpoint, and that, if the coming generation who are to own (and in part pay for) our parks are to find in them beautiful and natural woods of the true New England type, the growth of the trees now standing must be encouraged by annual thinnings, the return of the underwood must be promoted by letting in the light, and reasonable expenditures must be incurred for additions to the soil.

The Committee finds that the change in the line trees in the Back Bay Fens was made necessary by the deficiency of soil in the planting spaces, and by the character and condition of the trees which had been set out on the south and west sides of the Fens. On the easterly side of the Fens no change has been made in the line trees, which appear to be in good condition, except to make additions to the loam spaces.

The shrubbery plantations at the Fens present a special

problem. It appears from the testimony that the Fens were in the first place planted thickly; that the plantations were largely experimental in character, owing to the introduction of many native and exotic herbaceous plants; that it was intended to have them thinned as rapidly as the growth of the plants caused them to be overcrowded; but that, for reasons similar to those already referred to in the case of Franklin park, this necessary work of thinning was not done when it should have been. The consequence was that when the present Commissioners came into office many of the trees and most of the shrubs had been ruined by overcrowding, and by the failure to remove the trees which had been originally planted to serve the sole purpose of nurses.

Considerable thinning, intended to correct the omissions of the past, has taken place during the past three years; but many trees are still standing in the plantations which ought to be removed, either because they are poor trees in themselves, or because of their interference with other and better trees. New shrubs have been planted to take the place of those removed; but the present condition of the plantation as a whole is neither beautiful in itself nor encouraging for the future. We believe that it would have been better to have adopted a more radical treatment with the plantations at the Fens and to have completely reconstructed them, saving only the trees and shrubs which had managed to survive in proper shape. The Commissioners were apparently deterred from the adoption of this heroic remedy by fear of criticism; but this remedy may yet have to be applied before the plantations at the Fens can become an object of beauty, and in that case the hesitation of the Commissioners will simply have resulted in delay. We do not care to express an opinion whether the entire renovation of these plantations is the only thing to be done with them in their present condition, or whether the process of partial renewal adopted during the past three years should be continued. We are content to leave this matter to the judgment of the Commissioners and their expert advisers; and we trust that their decision, whatever it be, will be acquiesced in by the public.

We are convinced that the Park Commissioners are receiving trustworthy expert assistance and advice in regard to the management of the woods, the culture of the plantations, and the treatment of such landscape questions as from time to time arise. We believe that the community is greatly indebted to the Commissioners for the fidelity with which the original idea of the Boston park system has been held in

view, and for the success which has attended their efforts to make our parks the most beautiful, useful, and popular to be found in any city in the world. We are convinced also that such is the general opinion of the people of this city, as is perhaps sufficiently indicated by the fact that, notwithstanding the wide publicity given to this investigation, only six persons outside the department appeared before the committee to protest against the present management, and that of these six, three were abutters on Franklin park, having private interests of their own.

There is, in our opinion, no question in which the people of this city are more vitally concerned than the correct management of the parks, upon which over $16,000,000 of public money has already been expended; and there is probably no question upon which misinformation is more likely to gain popular support than the somewhat technical subject of the proper treatment of trees and shrubs. Although this investigation has not resulted in startling or sensational disclosures, it, and the expense incurred by it, will, in the opinion of the committee, be amply justified if it shall have the result of satisfying the community that the management of the parks is in the hands of persons who understand their duty alike to the people who now resort to them, and to those much greater numbers who will throng them in the future.

We have been impressed with the fact that many of our citizens do not yet realize the full beauty and extent of the parks now open to the public. Doubtless this condition of affairs is largely due to the fact that so large a portion of the parks has been so recently completed, and that the means of access are still inadequate. We suggest that the Mayor and Aldermen, who have special jurisdiction over the street railway service of the city, should consider what, if anything, can be done to secure an extension of the street car service to Jamaica Plain and the Arboretum, and to secure better communications with Franklin park, along the line of Columbus avenue and the Columbia road, than now exist.

We think that in accordance with precedent the actual and reasonable expenses incurred by the Commissioners in this case should be defrayed by the city, and we recommend that they be charged to the annual appropriation for the Park Department, or otherwise met in such manner as His Honor the Mayor may determine.

In fact, as this investigation was instituted, and has been conducted solely with a view to the best interests of the public parks of the city, we see no reason why the expenses incurred by the committee should not also be charged to the

regular appropriation for the Park Department; and we recommend that this be done, and that the sums thus charged to this appropriation be reimbursed to the department before the close of the fiscal year under the last clause in the General Appropriation order for the current year.

In fact, your committee believe and find that the method of management of a Park System is subject to different opinions, and that the present Commissioners have tried, and we believe successfully, to satisfy the wishes of the general public, if not of individuals. We believe that the Commissioners have had the interests of the city at heart, and that they have given gratuitously services which have resulted in the possession by Boston of a Park System of which she may justly be proud.

M. W. Norris,
Robert A. Jordan,
Philip O'Brien,
Frederick W. Day,
Edward W. Dixon.

MINORITY REPORT.

To the Honorable the Board of Aldermen:

Gentlemen, — The undersigned respectfully dissents from the report of the majority of the committee upon the investigation of the Park Department, and assigns the following reasons for his action. It has seemed to the undersigned that the serious conditions involved in this inquiry into so important a part of our municipal administration should merit a most thorough scrutiny, and, while the charges in the main have not been entirely sustained in the purely technical sense, yet the evidence adduced has revealed many serious defects which call for immediate and complete remedy.

It is agreed that the charges formulated by counsel for the committee, with the exception of the two items alleging gross waste and extravagance, have not been proved, and these two particular reasons are assigned for dissenting.

Francis Gardner, late master of the Boston Latin School, sometimes remarked that such a boy was fortunate in the selection of his father. When I heard that the Park Commissioners had secured ex-Mayor Matthews as their counsel, I felt that they were more than fortunate to have a man so well versed in park matters to defend them.

The truth was, however, that in his eagerness to cover up the weak spots in his clients' armor, which he knew existed, he plainly showed he was fearful that the citizens might see that the policy pursued by the Park Commissioners and their subordinates was faulty in many particulars. He could not disguise this anxiety, and throughout he acted as if some one besides the trees were on trial for his life.

Notwithstanding that he possessed the *armentarium* of a department alive to its dangers, with every facility for a dignified defence, with a public press, which announced in advance that the Park Commissioners could make no mistakes, he resorted to what all lawyers have to resort to when they know they have a weak case, namely, abuse of his opponents. That this pettifogging method had the effect of blinding the eyes of a majority of the committee, who had to judge by what was served up to them, I am ready to admit. That it disproved the higher plane of an intelligent criticism regarding park management, I deny. Having resolved the investigation into a trial, he proceeded accordingly, introducing technicalities where it was necessary for the good of his clients' case. This was no more than he owed his clients, and was expected and allowed. When, however, in his argument he substituted abuse and low sarcasm, he showed the weakness of his case. Calling people names is a low form of defence, is boyish, and is apt to prove a boomerang.

So it was in this case, for it happened that the people so attacked were immeasurably superior to those with whom they were compared. In the cases of foremen Jeffery and McCullom, when compared in the presence of the committee with the pets of the general foreman who were retained, while experts like Jeffery and McCullom were discharged, the difference in ability, general intelligence, and experience was more than noticeable.

If the Park Commissioners and ex-Mayor Matthews were satisfied with the contrast, I know of no one who would wish to disturb them in they joy of such foremen.

It was just here that "personal politics and predjudice" showed out most strongly.

I give notice, for the good of the service, that if the Superintendent and Commissioners do not curb the general foreman in his injustice toward those in the department who are unjustly persecuted by him, I shall call the attention of the Mayor to this condition of things, and urge upon him the necessity of asking for their resignation or ordering their removal.

The practice of such malignity as was evinced by the general foreman toward the best foreman in the department cannot but deprave the service.

Another serious question is, Are private citizens and taxpayers to be held up to ridicule?

Counsel became insufferable when he did this, and it remains for the Commissioners to apologize to Messrs. Dole, Bolles and Williams for this act of their agent. The attempt to ridicule Nathan Haskell Dole, M. Shepherd Bolles, and Henry D. Williams is without excuse. They are gentlemen, and should be treated as such.

If it has come to pass that a citizen cannot criticise a department without danger of insult by the agents of that department, it is about time to ascertain if there is no remedy.

Did counsel think he could bring down upon Mr. Dole the laughter of the community by sarcastically comparing him with Chaucer or Shakespeare? Although Mr. Dole does not claim to be a Chaucer or Shakespeare, his friends can rightly claim that he comes very near being the leading linguist of the country. Mr. Shepard Bolles is one of our most valued citizens, with marked artistic taste, as his own estate shows.

Mr. Williams is the head of Williams & Everett, the leading art store of the city, a man bred to a knowledge of things artistic and above criticism. To ascribe selfish and unworthy motives to such gentlemen, in the hope of belittling their testimoney, will singularly fail of its purpose.

The community realizes that they were among the few who had the courage to perform a disagreeable duty.

Do the Commissioners realize that these gentlemen represent a large number of citizens and residents of suburban Boston, people who help pay the taxes and have furnished the funds which have been spread about with such a lavish hand by a Commission, which, when questioned, gives abuse for answer?

I have dwelt at length upon this subject because I felt that the whole principal of "voluntary testimony" was in peril. If heads of departments are to be allowed, through counsel, to abuse voluntary witnesses, then the protection of such witnesses to an honest administration of the affairs of the departments will be lost to the city.

The City Council can and must protect such witnesses if they ever expect educated and public-spirited people to appear before their investigating committees. I contend that this is a part of what their oath implies. If they cannot control editorials in official organs, which read as if inspired

by interested officials, they can at least protect our citizens, rich and poor, who give testimony, from being characterized as selfish and badly informed cranks.

Now to come to more specific matters. I wish first to call attention to the stone wall on Pond street, and the explanation of why that wall was destroyed, and why the granite was thrown into the pond. It is claimed that it was ugly, etc. In an artistic sense this was true. It is also claimed that it was more so when five feet of its surface was exposed. Unfortunately, I believe it was not brought out at the hearing, but has been acknowledged since, that the reason why so much larger surface was exposed than Mr. Olmsted intended was because the pond had been lowered by the sinking of the flood-gate two feet that shrubs might be planted to the water's edge. My contention is, that no matter how many feet were exposed or for what reason, the Commissioners had no right, considering the financial condition of the city, to destroy work already built, when, if objectionable, it could be covered by vines at a small cost.

One of the most attractive effects ever introduced into the park was the trailing vines over the bank wall along Perkins street.

If the Olmsteds' instructions to Mr. Pettigrew that "every effort should be made to completely cover the wall" had been carried out in some such way, the Commissioners would have shown some idea of economy in the spending of the city's money, every cent of which I believe had to be borrowed.

If the truth were known, it is the opinion of some that they knew very little about the matter until stimulated by the investigation.

It only cost $750, remarks Mr. Matthews, in the careless manner he has of speaking of park money. No citizen of any business ability will pay any heed to the opinion of people who claim it was a proper thing to fill a pond with stones that cost $5.75 a cubic yard. Officials who cannot dispose of the city's goods at a better advantage should not be allowed to have the chance.

The employment of Ward's pond as a storehouse for stone was certainly an original idea, likewise the buying of expensive granite curbing at the Fens, and probably more economical than the selling to a junk-dealer of a gate costing $691 for $46.23.

The idea of destroying or giving away what could not be used at once was more novel than healthy for the tax-payer's pocket. "Away with them" seemed to be the prevailing sentiment regarding what was left over from numerous

changes. As shrubs they went by fire, as stones either by water or the spade.

Boundary Walls.

The contention that the solid stone wall around Franklin park was worse than useless from an economical, artistic, or utilitarian point of view, has never been answered. It has never been shown why $57,400 of borrowed money should have been expended when a very much less sum would have furnished all the protection necessary if the Commissioners had had economy in mind.

Here, as in many other points in the investigation, the Commissioners try to hide behind Mr. Olmsted, quoting him as favoring boundary walls and plantations.

As far as Mr. Olmsted goes, it is fair to suppose that if he did not see to it that such walls were constructed when he had plenty of money to spend, he would never have ordered them built in the year 1899, when he knew the city finances were beginning to groan under a burded of almost one hundred millions of dollars.

I do not believe he even would have had them built of stone, but would have had hedge-rows or fences covered with honeysuckle, as they have in Fairmount park, Philadelphia, pursuing the same plan adopted around many of the most beautiful and expensive estates in Brookline.

This fringe of nature is now promised for these ugly stone walls, showing that the Commissioners know that they are blots on the landscape. Thus the city has a double expense.

It is to be hoped that the dream of the Commissioners and their counsel that "the sense of seclusion from city sights" will be realized. City sights about Franklin park! Fifty years may see such a thing happen, but in the meantime a Chinese wall to pay interest on, was most unnecessary.

How the Commissioners expect to give one "a continuous impression of consistent sylvan scenery" by the sight of a stone wall may be called a conundrum. No, Mr. Chairman and gentlemen, all this talk about sylvan scenery and seclusion is an attempt to cover up a stupendous blunder against good taste, and an injustice to the taxpayer.

The dear people whose interest they are so solicitous about, would, I venture to say, like a little more natural scenery and considerable less sylvan stone wall.

Methods and Policies.

In discussing this part of the question it must be distinctly understood that it is the policy, the system, the school, not the

person, which is being talked about. Professor Sargent, who has shaped, since Mr. Olmsted's time, the policy that has made our parks what they are to-day, is a gentleman, scholar, and, in his specialty, one of the most respected men we have. His friends, however, must recognize the fact that he is the leader of a particular school, and that the advocates of other schools of "landscape architecture," many of them among the best men in the profession, do not agree with his methods. They, and this is my contention, claim that he represents an "extreme school."

The late Mr. Chas. Eliot, after expressing his appreciation of Mr. Sargent's vigorous words respecting the all too prevalent feeling that nothing can justify the felling of a tree, reminded him that his remark in the "Garden and Forest," December 23, 1896, that Boston enjoys the reputation of having the worst trees in its parks of any American city, was an exaggeration.

Mr. James H. Bowditch, landscape architect, says: "The cutting down of many large trees in Franklin park has lately aroused among interested men and women a decided feeling of unrest as to a course which threatened to extend its influence beyond the safe limit of real necessity, or even of judicious management, looking well into the future. The landscape architecture of the park system has been well conceived, etc., and no small mead of praise should be accorded to its originators and executors.

"The first ethics of landscape work is to preserve existent beauty, etc. Destruction and change are alike to be avoided, or, at least not to be resorted to, except were special conditions plainly demand it.

"If it is urged that the intention of the park authorities is to create a finer picture, twenty, fifty or one hundred years hence, it is quite pertinent for us to reply that there are plenty of such pictures of their recent production coming along to fill the demand and that we deem it a mistake to point out a good canvas that we can look at for the time being. Let it not be inferred, however, that the writer and others are opposed to all cutting of large trees, etc.

"It is even cheerfully conceded that the trees recently cut were wisely removed, etc., from a strict forestry standpoint, but this benefit was in many instances attained at the expense of present good looks, feeling, and sound judgment." — *Extracts, Transcript, May 7, 1898.*

This being the opinion of good authorities, and I have tried to be fair in my quotations, I return to my original position, and I claim that it is not good policy to intrust to the hands

of any one man, however gifted, the future of our parks, especially when that man's mind works principally in one direction, viz., what is best for the future without due regard for the present.

The destruction of the beautiful tree canopy on South street that a lot of evergreens might serve as a demonstration in tree study, at the expense of an appreciative public, also the cutting down of a row of trees on Walter street, good for twenty years if trimmed, turning a shady, pleasant country road into a barren, sunburnt hill-side, that a boundary plantation of young pines might be planted, that will take fifty years, I presume, to amount to anything, are examples of what I mean. Although this was in the Arboretum, outside the Boston parks, the principle holds good.

The worst of it is that our friend positively believes this is the true policy to pursue.

This is why I believe the best interests of our parks should be intrusted to an advisory board of landscape architects, whose members would regulate each other's preconceived convictions.

Mr. Matthews endeavors *ad nauseum* to convince the public that there are only seven critics, and he points out that there are twenty or thirty abutters on Jamaica park and seventy on Franklin park, and he exultingly exclaims there are only seven out of this number that protest. This is only a lawyer's trick, for he knows that there are seventy times seven who would protest if they cared to subject themselves to abuse in argument and in the official organ of the department.

The absence of testimony from professional landscape architects is explained by the fact that for many reasons it would not be in accord with professional etiquette for one to give an adverse opinion under such circumstances regarding the work of another. What do the residents of Jamaica Plain care if Mr. Matthews did succeed in technically making it appear to the committee that Mr. Lundy's assertions as to methods and policies had not been proven? They know that the great natural possibilities of Jamaica pond and Franklin park have been sacrificed to a larger extent than was necessary.

Oligarchy.

Mr. Bolles' letters and Mr. Winslow's experience with the Park Commissioners were enough to prove the contention that they were an oligarchy.

It remained, however, for Mr. Matthews to prove out of his own mouth, that they hesitated not to take from the

Mayor himself his prerogatives. He speaks of their action under the Playground Acts, and calls attention to the fact that the Commissioners exceeded the bounds of political propriety when they voted to expend practically the whole of the appropriation available for the current year, before ten o'clock on the morning of January 1, 1900, the day on which His Honor Mayor Hart was inducted into office.

We can wonder what would have happened if Mr. Matthews had been the Mayor inducted!

We also wonder what consideration the citizens can expect to receive from a body which takes upon itself such extraordinary powers. We know.

That such a thing was possible, proves that the act establishing the Commission was a mistake. Likewise the tirade of Mr. Winslow, as Mr. Matthews calls it, called "tirade" probably because it brought out a very strong argument for abolishing the Commission. In his testimony, Mr. Winslow sums up the case in the following unanswerable language:

"At any rate, if the Commissioners are wrong, they say, 'We are sorry; we don't profess to know a great deal about the parks or park systems.'

"I think they said so at our hearing at Jamaica Plain, the one I have referred to that took place two years ago. The Superintendent is an employee, receives a salary, and as for the expert, he is a private gentleman, whom we don't know officially at all. He has no responsibility. He has taken a great deal of time and pains and has accumulated vast stores of knowledge for the benefit of the Park Commissioners and citizens at large, and he is entitled to our heartfelt gratitude, apparently no matter what he does or does not do.

"Of course, we cannot go to him and say, 'We will complain of you, we can't have you, can't stand you any longer,' because he naturally says: 'I am not paid; I don't care about doing this work.' At least, I suppose he says so, although I never asked him. I suppose his position is simply this: 'I am doing this as a contribution to the common weal.'

"That is what I mean by the tripartite system — the Commissioners who do not know, who are not experts; the expert, who has no official status, who cannot be held to any responsibility; and the Superintendent, who, as I say, does as he is bidden and receives his salary and works every day about the parks. There is nobody to complain to. If things go wrong to whom are we to go? What recourse have we? It has been suggested that the Legislature ought not to give the Park Commissioners money again and again, as the one

desperate method of stopping this state of affairs. I wish they would try it, — I humbly wish they would try it."

The very able counsel of the Park Commission has tried to prove that Mr. Pettigrew followed the advice of Mr. Sargent, and that Mr. Sargent is an expert aboriculturist, whose advice is gratuitous, and therefore work should be done on lines laid down by him.

A further effort has been made to show that Professor Olmsted, who unfortunately is not now in condition to testify, would approve of the work done by Mr. Pettigrew under Professor Sargent's direction. Professor Olmsted's idea was to leave the park in as near the condition of nature as consistent with its public use. Mr. Sargent's idea seems to be to make the entire Park System more like an aboretum.

The two plans are diametrically opposed.

If Mr. Winslow was a member of the present Finance Committee he would be assured that he had made no mistake in his estimate of the attitude of the Park Commissioners towards the City Council.

That they are no respectors of persons, not even those who are asked to furnish them money, was shown by their weak excuses for not attending the meeting of the Finance Committee, to which they were summoned. It was left to the Commissioners to ignore probably the most important committee of the City Government. I do not know of the occasion this year when the Auditor, Corporation Counsel, Superintendent of Streets, or the Mayor himself, has neglected to appear before the City Council when requested. The Park Commissioners would not have done so if they had not felt that the Legislature had not made them independent of the City Council.

E. Peabody Gerry.

In Board of Aldermen, July 9, 1900.

Majority and minority reports ordered to be printed, and specially assigned to the next meeting.

Edward J. Donovan,
City Clerk.

APPENDIX.

REPORT OF HEARING BY THE SPECIAL COMMITTEE OF THE BOARD OF ALDERMEN APPOINTED TO INVESTIGATE THE MANAGEMENT OF THE PARK DEPARTMENT.

FIRST DAY.

CITY HALL, March 16, 1900.

The committee met in the Aldermanic chamber, City Hall, at 3 o'clock P.M. Present: Aldermen NORRIS (Chairman), GERRY, DAY, JORDAN, P. O'BRIEN, CODMAN and DIXON.

Appearances:

For the Committee, JOSEPH LUNDY, Esq.

For the Park Commissioners, Hon. NATHAN MATTHEWS, JR.

The Chairman, in calling to order said:

The committee will please come to order. The clerk will read the orders under which the committee acts.

The clerk read the following:

"*Ordered*, That the chairman appoint a committee of seven members of this Board to investigate the management of the Park Department, and, if necessary, to summon persons and call for papers.

"Passed.

"J. M. GALVIN, *City Clerk pro tem.*

"*Ordered*, That the Special Committee of this Board appointed to investigate the management of the Park Department be authorized to give public hearings, employ counsel and a stenographer, and incur such other expense as may be necessary; the expense of the same to be charged to the contingent fund of the Board of Aldermen.

"Passed.

Approved by the Mayor February 27, 1900."

The CHAIRMAN. — The committee are now ready to hear anybody desirous of making a statement pursuant to these orders.

Mr. JOSEPH LUNDY. — Mr. Chairman —

The CHAIRMAN. — Counsel for the committee.

Mr. LUNDY. — As a representative of the Committee, I wish to say that I suppose that it is the proper time now for the defendants or respondents to present themselves or present their counsel. I suppose this is the proper time for the respondents to this action to present their counsel.

The CHAIRMAN. — This is the time and place.

Mr. NATHAN MATTHEWS, Jr. — Mr. Chairman —

The CHAIRMAN. — Who are you counsel for?

Mr. MATTHEWS. — I desire to enter my appearance for the Park Commissioners, and to say that the Commissioners are here — at least, that the Chairman of the Board is here, the other two members being detained at home by illness; that they have endeavored to afford every facility to the committee or its agents, so far as they could, with a view to aiding the committee in its investigation, and propose to continue to do so. Any records, papers or information in the possession of the Commissioners, or their clerk or employees, are at the disposition of this committee.

The CHAIRMAN. — Thank you.

Mr. MATTHEWS. — I would like to inquire at this stage of the proceedings, Mr. Chairman, whether the committee is acting under the statute passed last year, I think, authorizing committees of the City Council to do certain things, extending the powers of committees of the City Council under the public statutes, or whether this is an investigation held under the ordinary powers of the Board of Aldermen, as they were left in the public statutes? Possibly counsel can answer that question for me.

The CHAIRMAN. — As Chairman of the Committee, I will say that we are acting under the ordinary powers of a committee of the Board of Aldermen.

Mr. MATTHEWS. — I raise the question because, under the act passed last year, or the year before, the jurisdiction of such a committee or of the Board was confined to cases, I think, where there had been some refusal by a department to give information; and if there was any contention that there had been any refusal by the Park Commissioners, or any of their subordinates, to furnish the committee all the information desired, I wanted to know it, because if such was the case it was due to a misapprehension.

The CHAIRMAN. — I will say now that we, as a committee, suppose that every witness we summon here will come; and failing to come, the committee will, in my opinion, take such failure as being against that particular party. If any questions are asked of men here as witnesses, and they refuse to answer, the committee will, of course, act accordingly. I want to say that the committee is here unprejudiced, and is going to be absolutely as fair as men can be, having no feeling in the matter whatever. Without any further preliminaries I will ask counsel to go ahead and call his witnesses.

Mr. MATTHEWS. — Mr. Chairman, may I interrupt for a moment. I have just been handed a notice by Mr. Lundy.

Mr. LUNDY. — No, not a notice.

Mr. MATTHEWS. — What shall I call it, Mr. Lundy?

Mr. LUNDY. — You might call it something in the line of specifications — something I was just about to present to the committee, if you will wait a moment.

The CHAIRMAN. — Proceed.

Mr. LUNDY. — Mr. Chairman, counsel for your committee has drafted this as a general statement, upon which this investigation is to be conducted, it being culled from the evidence presented so far in preparation:

CITY OF BOSTON, March 16, 1900.

To the Honorable, the Special Committee of the Board of Aldermen appointed February 19, 1900, to investigate the Park Department of the City of Boston:

The complaint alleges negligence of this department by the Board of Commissioners, and consequent mismanagement, extravagance, gross waste, incompetency and corruption on the part of a number of subordinates of the department.

Respectfully submitted,

JOSEPH LUNDY,

Attorney for the committee.

Mr. MATTHEWS. — Mr. Chairman, these specifications are signed by Mr. Lundy, as attorney for the committee. I take it that that is the committee of the Board of Aldermen that is now holding this session?

The CHAIRMAN. — That is right.

Mr. MATTHEWS. — Are we to understand that the committee itself is prosecuting the Park Commissioners or their subordinates —

Mr. LUNDY. — Mr. Chairman —

Mr. MATTHEWS. — Pardon me one moment — or is the Committee simply here to listen to any evidence that may be given by the outside public or anybody else, and to sit upon that evidence as a judicial body? I will say, for my clients, that it is material to them that any charges made by anybody shall be investigated at any length that the committee sees fit to investigate them; but they are entitled to know at the outset whether this committee itself is preferring charges and is acting as a prosecutor, as in that event they are entitled to be furnished with a detailed set of specifications. I had already supposed from the statement made by the Chair a moment ago, that this committee was simply sitting to hear the evidence that may be advanced one way or the other, and that the committee itself was not prosecuting the Park Commissioners.

Mr. LUNDY. — Mr. Chairman.

The CHAIRMAN. — Counsel will pardon me. This committee is here to listen to evidence and facts in connection with the investigation of the Park Department, — nothing more, that I am aware of, and nothing less. We are to take the evidence as it comes, and weigh it as it comes. This committee is not biased in any way whatever, as I understand it. I have made that statement in all truthfulness. As to the specifications the counsel got up I suppose he had to allege something, and that is what he did allege.

Mr. LUNDY. — If I may be permitted to clear that up briefly, I will say that it is perfectly well known — and I think known to my brother Matthews — that the order for this investigation originated in the Board of Aldermen, and that, while this committee appointed by the Board of Aldermen is supposed to conduct this investigation impartially, at the same time the Board of Aldermen, employing counsel, do make certain charges — that is, not upon the part of any individual member of this committee or of the committee collectively are those charges made, but the Board of Aldermen do practically make certain charges. I anticipated that certain specifiations would be demanded, and I have drawn these up. It is only natural to suppose that some charge should be made. Because this investigation was initiated in the Board of Aldermen, some charge must be made there. I have made the specifications, perhaps, a trifle general, but still I have made certain specifications.

The CHAIRMAN. — The counsel will proceed with his witnesses, and will delve into this matter immediately, going along as fast as possible.

Mr. LUNDY. — I will ask, Mr. Chairman, if you care to hear a preliminary statement from counsel as to what he intends to prove or thinks he can prove?

The CHAIRMAN. — The committee, as I understand it, do not want to hear any preliminary statement whatever, but wish to delve at once into the evidence.

Mr. LUNDY. — I would like to understand if that refers to counsel for both sides?

The CHAIRMAN. — That refers to counsel for both sides.

Mr. LUNDY. — I make that suggestion because there are certain things I would like to say, and if I am to be prevented from saying them I would like to have the same rule applied to my brother Matthews.

The CHAIRMAN. — The same rule will be applied to both sides. Go ahead with the witnesses.

Mr. MATTHEWS. — Mr. Chairman, I suppose counsel for the committee and for the Park Commissioners will be permitted to address the committee at the close of the evidence?

The CHAIRMAN. — Certainly.

Mr. LUNDY. — Mr. Chairman, I shall call as my first witness Mr. Stratton — Charles E. Stratton.

TESTIMONY OF CHARLES E. STRATTON.

Q. (By Mr. LUNDY.) Your full name, Mr. Stratton?

A. Charles E. Stratton.

Q. And where do you live?

A. 293 Commonwealth avenue.

Q. And you are a member of the Boston Board of Park Commissioners?

A. I am.

Q. Since when?

A. Well, the exact date I don't know. My recollection is that I was nominated in May, 1896.

Q. For about five years?

A. No; about four years next May.

Q. Four years in May? Well, you are at present chairman of the Board of Park Commissioners?

A. I am; yes, sir.

Q. Now, Mr. Stratton, you are by profession a lawyer?

A. I am.

Q. Are you engaged at the present time in the active practice of your profession?

A. Yes.

Q. Now, first, Mr. Stratton, will you state to the committee who comprise your office force?

A. Well, I have a stenographer and an office boy, and I have the assistance of a young associate.

Q. Yes; but what I was trying to get at —

A. You mean in my own private business?

Q. No.

A. Oh, pardon me.

Q. I want to keep as far from that as I can. I meant the office of the Park Commissioners?

A. In the office of the Park Commissioners we have a secretary.

Q. And that is whom?

A. Mr. George F. Clarke.

Q. Who else?

A. We have our accountant, Mr. Lawrence; we have a purchasing agent, Mr. Ogden; and we have what you might call an office boy, I suppose, Herbert Ogden; and we have a stenographer.

Q. Who is the stenographer?

A. Miss Bumstead.

Q. Now, Mr. Stratton, was Mr. Clarke appointed during your administration?

A. He has been appointed annually since I have been on the Board.

Q. Well, was he secretary of your Commission before your advent as Commissioner.

A. Yes.

Q. Mr. Ogden, when was he appointed?

A. All those I have named, perhaps it will save time for me to state, were in the office when I was appointed Commissioner. I am very sure they were all there, with the possible exception of young Ogden. I am not sure about him.

Q. I wish you would state, Mr. Stratton, so far as you know — of course, without stating the man's personal duties — What the duties of Mr. Clarke are to you?

A. Well, to the Commission, I suppose you mean?

Q. To the Commission, yes.

A. He keeps the records of our meetings, looks over the correspondence, and confers with me about it, from time to time, and with the other members of the Commission, and he is, you might say, the representative of the Commission to a certain extent in matters of correspondence.

Q. Now, Mr. Stratton, how often does your Board meet?

A. Once a week. That is to say, our regular meetings are once a week.

Q. And that routine has held since you have been a Commissioner.

A. Yes.

Q. And you have actually held meetings once a week?

A. Yes, I should say on the average perhaps more; because we hold occasional meetings at one another's offices.

Q. Special meetings. And you have attended, Mr. Stratton, the regular meetings, which would be about once a week?

A. I should say so, certainly.

Q. Now, Mr. Pratt was on the Commission when you were appointed.

A. When I was appointed; yes, sir.

Q. And Mr. Prendergast, the other Commissioner, has been recently appointed?

A. He was appointed, I think, last summer or spring — last summer, I think; the exact date I don't recollect.

Q. Now, take 1897, Mr. Stratton, — you went in there the early part of the previous year and you were there all of 1897?

A. I was there all of 1897; yes, sir, and a part of 1896.

Q. Now, at these meetings in 1897 — well, this is a little vague, but what was the general business of those meetings?

A. That is a little hard to state.

Q. Yes, that is a little vague.

A. I think you could get a better idea by having the records brought in. It would assist my memory, and would perhaps be a quicker way of getting at the sort of business done.

Q. I intend to explain that in this question. At those regular meetings every matter pertaining to the administration of the Park Department was brought forward, was it? That is, for instance, you don't recall in the year 1897 any special question of the purchase of real estate, for instance, being brought forward at any special meeting?

A. You mean these special meeting I spoke of?

Q. No, any special meeting? All business would be conducted at the regular meetings?

A. Yes, sir.

Q. Yes; and to take it at that time, as you recall it, would, as a rule, all the Park Commissioners be present at the meetings?

A. Yes, sir; I think the attendance was very general. I don't know but what there might have been exceptions, cases of absence caused by sickness, and so on.

Q. You have a rule in regard to what shall constitute a quorum?

A. Two; we never transact any business unless two are present.

Q. Two constitute the Commission. Now, Mr. Stratton, you know Mr. Pettigrew?

A. Oh, yes.

Q. Now, when did Mr. Pettigrew assume his duties with the Park Department?

A. Well, I should say it was the beginning of the year — of our financial year — the first of February after I was appointed. I should say that would be the first of February, 1897.

Q. Now, Mr. Pettigrew was appointed by whom?

A. He was appointed by our Commission.

Q. By your Commission?

A. Yes.

Q. And upon whose recommendation?

A. We went and consulted Prof. Charles Sargent, and went with him to Buffalo to see the superintendent there, and then we went to Brooklyn and saw Mr. Pettigrew, and Mayor Quincy went on and saw him.

Q. Now, pardon me, who first suggested Mr. Pettigrew for this office?

A. I think Professor Sargent.

Q. That is, outside of Mr. Pettigrew himself.

A. No, he was first mentioned by Professor Sargent.

Q. You mean to say that Mr. Pettigrew did not first make personal application for it?

A. No; he did not.

Q. Then the position, as far as he was concerned, was entirely unsolicited on his part?

A. Yes, unsolicited by him.

Q. When did you have your first interview with Mr. Pettigrew — that is, comparatively, how long before his appointment by you?

A. I could not say exactly, I think it must have been a few weeks, because Mr. Hodges couldn't go with us the first time. He was Chairman then and couldn't go with us to Brooklyn at that time. He afterwards went on himself.

Q. You first had an interview with Mr. Pettigrew in Brooklyn?

A. Yes, sir.

Q. He was at that time engaged in some park work there, was he?

A. Yes; he was then engaged as superintendent of the Brooklyn parks.

Q. Your interview with him was held in Brooklyn?

A. Yes.

Q. Who was with you at the time?

A. Mr. Pratt, Professor Sargent and Mayor Quincy.

Q. Who suggested the idea of going all the way to Brooklyn to consider a possible candidate for the office of superintendent?

A. Professor Sargent.

Q. Now, have you offered, or did you at that time offer, any objections, raise any objections, to Mr. Pettigrew?

A. No; I did not.

Q. Well, at any time before his appointment did you hear any objections raised?

A. No.

Q. Well, now, in your experience, Mr. Stratton, have you ever met a man named Shaughnessy?

A. Certainly, the name is very familiar to me.

Q. Quite a common name, but I mean in this connection?

A. Oh, I don't recollect any particular Mr. Shaughnessy in connection with Mr. Pettigrew.

Q. Do you recall the name of Shaughnessy in connection with any labor union or any labor committee?

A. I think I do; yes.

Q. But you don't recall his waiting upon you in this relation?

A. No, not before Mr Pettigrew's appointment.

Q. Well, do you remember his calling upon you shortly after he was appointed?

A. I don't remember it.

Q. Well, do you know a man named Kneeland?

A. Yes, yes.

Q. And do you understand or do you recall what position Mr. Kneeland occupied with anybody at the time?

A. Well, I remember one visit from Mr. Kneeland with a committee of the Central Labor Union, — I should say it must have been fully a year after Mr. Pettigrew was appointed and came to us. I remember that Mr. Kneeland was one of the officers of the union.

Q. And what was the object of that visit, Mr. Stratton?

A. It was to request us to rescind the order we had passed obliging the maintenance men to dress alike. That is my recollection of it.

Q. Then, as I understand it, Mr. Stratton, neither Mr. Kneeland, Mr. Shaughnessy or any other member or representative of the Central Labor Union ever waited upon you in regard to Mr. Pettigrew, except on that question of dress?

A. I cannot say, exactly. I don't remember anybody, any committee, waiting upon me merely to protest against Mr. Pettigrew. Of course, in connection with this meeting that has been referred to, they may have spoken about him, thinking he was not a good man.

Q. May have referred to it personally?

A. Yes; I rather think that they did.

Q. Now, I want to get at this. Do you recall Mr. Shaughnessy, Mr. Kneeland or any other member of the Central Labor Union protesting to you against the appointment of Mr. Pettigrew, or favoring the rejection of Mr. Pettigrew as superintendent, upon the ground that his career in other cities where he had been employed in the same line was not all that it should be?

A. I think it is quite likely that, at this time, when the committee called upon us in regard to the uniforms of employees of the Park Department, Mr. Kneeland did say that he understood that Mr. Pettigrew's former career was not in his favor.

Q. Well, do you remember, Mr. Stratton, whether or not be mentioned the name of the Hon. John P. Altgeld, of Illinois, as having dismissed this man Pettigrew from service?

A. It is possible that he did so.

Q. To be sure, it is possible, but have you any distinct recollection as to whether he did or not?

A. I don't recollect his mentioning Governor Altgeld's name, but he may have done so.

Q. Well, it seems more or less familiar to you that an objection was made to Pettigrew on that ground, doesn't it?

A. Yes — on the ground that he had been dismissed from Chicago — I think quite likely that was brought up at that time.

Q. And also you remember that an objection was brought against him on the ground that he was dismissed on similar charges, whatever they may have been, in Brooklyn?

A. No; I don't think any specific charge was made. The reason referred to for his discharge from Chicago I don't recall, except in a general way. I remember that it was said not to be in his favor, said to be discreditable, and in Brooklyn they said — I don't recollect exactly, but something to the effect that he was about to be discharged.

Q. Now, Mr. Stratton, upon the strength of those recommendations or those suggestions, did you at any time, as Chairman of the Park Commissioners, or member of that Board, make any inquiry in Chicago, of Mr. Altgeld or anybody else, regarding this man?

A. I don't think I did.

Q. And at the time you went to Brooklyn to consult with Mr. Pettigrew, with whom else did you consult?

A. Well, we didn't say anything about it to anybody else. We were entertained very handsomely there, and, to tell the truth, I felt a little troubled about what we did, and afterwards Mr. Hodges got a letter from a gentleman in Brooklyn, saying we had been on a predatory expedition and had stolen their superintendent. I felt that perhaps it had not been quite a fair return for the hospitality they had shown us.

Q. Well, did you understand how long Mr. Pettigrew had been employed in Brooklyn?

A. My own recollection is two or three years, but I am not quite sure.

Q. Brooklyn at that time was an individual city?

A. Yes.

Q. You had no interview on this subject with the Mayor of Brooklyn?

A. No.

Q. Where did you seek information as to the character and ability of Mr. Pettigrew?

A. We relied very much on Professor Sargent's opinion and what we saw of the man, as well as the opinion that seemed to be had of him by the Brooklyn people. They entertained us at lunch — Mayor Quincy was there — and what was said, as well as what I saw in the papers, gave me a good opinion as to the estimation in which he was held there.

Q. This luncheon, as a matter of fact, was not given to you because you were there to consult Mr. Pettigrew?

A. It was given to Mayor Quincy, I think.

Q. And all you know is that the committee and Mayor Quincy were treated hospitably in Brooklyn. Now, how long was this position to which Mr. Pettigrew was appointed vacant before an appointment was made?

A. We had no superintendent, and that was considered, and was a very weak spot in the administration of the department. At the suggestion of Mayor Quincy, I think a month or so after I was appointed on the Board, we made a temporary appointment of a superintendent, awaiting a final decision.

Q. That was Mr. Putnam, was it not?

A. That was Mr. Putnam; yes.

Q. And Mr. Putnam, so far as you know, is an engineer of considerable ability?

A. Yes.

Q. And you say Mr. Putnam filled that vacancy about a month?

A. No; about a month after I was appointed we appointed him.

Q. Then, as you understand it, he filled it for some time.

A. I should say nearly six months.

Q. Now, before that vacancy was filled by the temporary appointment of Mr. Putnam, how long do you understand that the place was vacant?

A. There had been no superintendent, at all, as I was told, since the park system was inaugurated.

Q. Well, did Mayor Quincy or anybody else suggest to you any particular reason why there should be a superintendent appointed?

A. Yes — because of the necessity of having an executive head under the Commission.

Q. Well, did it occur to you at any time during the administration of Mr. Putnam that, during the time when nobody was at the head, the work had gone on all right?

A. Well, I was there for so short a time before a superintendent was appointed — Mr. Putnam was appointed almost immediately after my appointment — that perhaps Mr. Pratt would be a better person to ask about that.

Q. But, so far as you are concerned, when you entered on the duties of your office of course you made more or less investigation as to the state of the department in which you were to take part?

A. Before I was appointed.

Q. No, at the time you were appointed?

A. I was one of a commission of three and took my place on the Board and endeavored to learn the business as I went along.

Q. And in the course of your duty as a Commissioner it did not occur to you — the suggestion was not made to you or you did not learn — that anything ran amiss while Mr. Putnam was superintendent, or while, in fact, the department had no superintendent?

A. Yes, I think things did go wrong without a superintendent.

Q. Now, state to the committee just what appeared to go wrong?

A. I think the opinion of somebody not on the Board, or on the Board when I was not would be much better than mine.

Q. That may be, but I ask you, so far as you personally know, what seemed to be amiss?

A. It was the lack of having one head with some responsibility under the Commissioners.

Q. Was that simply a theory, or did the thought arise from some condition existing in your department?

A. Well, it was a condition that existed, as I understood it, and would exist in any department where there was such a large field to go over and where the Board in charge did not have a superintendent, and where, therefore, cases were referred to the Board which should be passed upon by a superintendent.

Q. Perhaps this may seem to take a little time, but, to get things in the concrete, this is what I want to know, — was it merely a theory that there should be one head to the department, or was there an actual condition calling for the appointment of some superintendent?

A. I think there was a condition calling for the appointment of a superintendent.

Q. But you don't know that there was?

A. I believe there was.

Q. You can say personally that there was a defect in the system that called for the appointment of a superintendent?

A. Yes, sir; I think there was.

Q. Now, — I am sorry that I have taken so long in this matter —

A. And I am sorry to have been so long about it.

Q. I am sorry that it has taken such a long time — what occurred which made you think the appointment of any general superintendent was required?

A. Do you mean what particular thing?

Q. Yes, what particular thing or number of things?

A. Well, I can tell you that one particular thing was the very sad accident that happened in South Boston immediately after I was appointed.

Q. State briefly the details of that accident?

A. It was on the occasion of a celebration of Farragut Day in South Boston, and, without our knowledge, a lot of little children went over to Castle Island without older people to look out for them. The police were not under us, and the police did not receive proper notice. A float constructed by Mr. Sheldon had not been entirely satisfactory to Mr. Howe, but he had not reported it to the Board. Mr. Howe was the engineer in charge. The children rushed down all at once, without control, over this float, and three or four of them were drowned.

Q. By the way, right here, what is the name of that Mr. Sheldon?

A. Well, I think his name is O. E.

Q. I will ask you, is that the Mr. Sheldon who at present controls the privileges at Marine Park, South Boston.

A. Yes, boating privileges.

Q. This same man who was supposed to have some superintendent in charge at the time of that disaster?

A. Yes.

Q. Well, now, Mr. Stratton, would the Superintendent of Parks, upon his appointment, or at the present time, naturally have anything to do with the superintendence of that float?

A. We felt that if we had a superintendent he would have taken the responsibility, and if he wasn't entirely satisfied with the float he would not have contented himself with saying, "I think that had better be attended to, and in the meanwhile I will wait for a meeting of the Board, to report the matter," but would have said "This is not right, and I cannot allow you to use it. You shall not use it until it is made right."

Q. You have never at any time expressed any lack of confidence in the foresight and ability of Mr. Putnam, have you?

A. No, I have not.

Q. And with the exception of that accident you don't know of anything that a superintendent could have avoided, do you?

A. No, except that while I had been on the Board for only a month when it happened, I know the impression it made on me. I thought that if one accident of that kind had happened, another might. I know it had an effect on me, and it did on the Mayor.

Q. You know that it might happen with a dozen superintendents?

A. We thought it might; but we thought it was less likely to happen with a man who knew that he was the executive head, and had to take the responsibility.

Q. Now, did your Commission make known to the general public the fact that somebody was required to fill the office of Superintendent of the Park Department?

A. I don't think any general advertisement of the fact was made, that I remember. We appointed Mr. Putnam as a temporary superintendent. That was known.

Q. That you had appointed Mr. Putnam?

A. Yes; and it was known that it was a temporary appointment.

Q. Well, was Mr. Putnam ever considered as a candidate for permanent superintendent?

A. My recollection is that he was not. My recollection is that he declined to be considered, when he consented to take the place, except as a stop-gap, so to speak.

Q. But you do remember this, Mr. Stratton, that nobody on your Board urged Mr. Putnam to accept that position?

A. No, we did not.

Q. Now, from what you have heard, as a matter of history, and from your personal experience with the man, you considered Mr. Putnam thoroughly competent, did you not?

A. Mr. Putnam is quite deaf, I will say for one thing, and that would be certainly a disadvantage in such a position.

Q. Well, why, Mr. Stratton?

A. Well, I can only refer to the way it strikes me.

Q. Why would a personal defect of that kind affect his holding the position?

A. I mean that an infirmity of that kind, which is not so much of a drawback in an engineer, would, I think, in one who meets the general public, be sufficient to induce the Board to choose some other man for a permanent superintendent.

Q. Now, how often does Mr. Pettigrew meet the general public, or any representative of it?

A. I presume he meets them hourly.

Q. Where is he stationed?

A. His headquarters are at Pine Bank.

Q. And, so far as the public is concerned, what is he called upon to do beyond superintending the arrangement of our park system?

A. He will meet people as he goes through the parks, and has to make appointments with them.

Q. Was any other name suggested to you for the position of superintendent?

A. The superintendent at Buffalo was suggested.

Q. And his name?

A. His name, I think, was O'Donnell.

Q. And did you call upon Mr. O'Donnell?

A. Yes.

Q. And your committee had a talk with him?

A. Yes.

Q. Well, in what at that time did you find Mr. Pettigrew to be superior to Mr. O'Donnell?

A. Well, we thought that his experience and his age were more in his favor. Mr. Pettigrew was a younger man, and we thought that in coming to a new place he would adapt himself to it better. That was one thing that weighed with me.

Q. But for the immediate needs of the park system, Mr. Stratton, which man suggested himself as being the more likely candidate — the man with the experience or the man that you thought might adapt himself to conditions?

A. We felt that Mr. Pettigrew had sufficient experience and that he had more life ahead of him and would do better in a new place.

Q. You understood that he had been in Chicago before coming to Brooklyn?

A. Yes.

Q. And you understood how long he had been in Chicago?

A. A few years — I don't know how long.

Q. Before that you knew nothing about him?

A. I think he had been in Milwaukee.

Q. Did you learn anything concerning his education?

A. Only what we learned from Professor Sargent.

Q. You went on this trip and met Mr. Pettigrew, and had this interview with him largely, if not entirely, on the suggestion of Mr. Sargent?

A. Yes.

Q. Was Mr. Sargent associated with the Park Commission in any capacity at the time when you were appointed?

A. No official capacity; no, sir.

Q. Is he at present connected with it in any official capacity?

A. No.

Q. Well, was there suggested to you the name of any other candidate for this position, or the name of any man who might be considered a possible candidate, who was a resident of the city of Boston?

A. No; none that I remember.

Q. Then, the only two men, as you remember it, who were suggested to you for this position were Mr. O'Donnell, of Buffalo, and Mr. Pettigrew, of Brooklyn?

A. Yes.

Q. How old a man was Mr. O'Donnell?

A. My remembrance is that he was about ten years older than Pettigrew. He is now dead.

Q. So if he had come here you would be now looking for a new superintendent?

A. Well, I dislike to give ages, you know, without knowing them exactly, but I should think Mr. O'Donnell might be about 60 and that Mr. Pettigrew might be about 50.

Q. Now, do you have any particular work that you assign to yourself, as an individual member of the Commission?

A. Well, I should say that if there was any particular work that I did it was the correspondence.

Q. And is there much of that, Mr. Stratton?

A. Well, it is a good deal in the course of a month. Of course, a great many people send to me and a great many people come to see me as chairman.

Q. Now, Mr. Stratton, upon the question of correspondence during the first year that you were chairman, did you have to deal with any considerable correspondence of the conduct of the Park Department, the arrangement, etc.?

A. You mean as to the administration?

Q. The administration?

A. No; I don't think I did.

Q. Well, you have during your administration received many protests against certain features in the parks?

A. Oh, yes; I have always, as chairman, answered all inquiries about the administration and all complaints.

Q. Now, is it the policy of the department to give hearings upon questions that seemed fairly important as to the administration of the parks?

A. It is; yes, sir.

Q. And how many of those hearings do you think you have given since you have been a Commissioner?

A. It is very hard to say. The records would show. There have been hearings, you know, big and little. Of course, we hear individuals constantly and we hear committees, and, of course, upon subjects that interest a great many people, we have a great many people attend.

Q. And as a Board or as individual Commissioners you hear them?

A. Individually I hear a great many, and as a Board we have a very considerable number each year.

Q. Well, now, what is the exact status or relation of Professor Sargent to the Board at the present time?

A. He is, I should say, what he has been — a gratuitous adviser.

Q. Well, largely as counsel to your commission, his work is confined — his gratuitous work is confined — to the matter of landscape arrangement?

A. Yes.

Q. That is, he doesn't take any part in the laying out of roads except as it affects the landscape gardening?

A. We have often asked his advice on certain matters — not as to the construction of a road, no, but as to the putting in of a road or leaving it out we have asked his advice.

Q. But only in so far as it affects the general scheme of landscape gardening?

A. I should say so; yes.

Q. Do you have many conversations with Mr. Pettigrew?

A. Yes, sir.

Q. Well, how much leeway is given Mr. Pettigrew in the matter of laying out different work?

A. Well, our intention is that he shall not do any work of any size, you know, without a vote from us.

Q. Well, say, for instance, during the last year, how many projects, how many jobs, have been taken up that Mr. Pettigrew has consulted you on?

A. I don't recall anything now that he has done of any moment, that he has not done under our instructions.

Q. Do you recall any material improvement, material change that has taken place on our park system in the last year?

A. Yes.

Q. State one of them.

A. I will state one that has been very sharply criticised lately, and that is the removal of a stone embankment at Jamaica Pond.

Q. On whose suggestion was that removed?

A. I should say the first person who suggested it was Professor Sargent.

Q. He suggested it to you?

A. Yes, sir.

Q. Did he make any statement of his plan to your full Board of Commissioners?

A. I should say we had been talking about it for a year or more.

Q. Well, what was the idea advanced to you by Professor Sargent as to the removal of that wall?

A. Well, his statement — with which we agreed, and with which, I understand, also those who think it was a mistake to do it agreed — was that it was an eyesore on the pond, that it was an artificial blemish on a natural shore.

Q. Have you any idea, Mr. Stratton, under whose orders or in harmony with whose plans that wall was erected?

A. I understand that it was done by Mr. Olmstead or his partners — I am not sure which.

Q. That is, by somebody of whom Prof. Frederick Law Olmstead was the inspiration?

A. Yes, at least, he was the head man of the firm.

Q. And Professor Sargent considered that that wall, erected in sympathy with some plans of Professor Olmstead's, was an eyesore?

A. Yes.

Q. How long had that wall been standing, Mr. Stratton, as far as you know?

A. The records will show. I looked it up the other day, and I should say four years; I don't know but six.

Q. From four to six years before its destruction?

A. Yes, sir; it must have been four years, because I have been nearly that time on the Board.

Q. Do you know what that wall was constructed of?

A. Of stone.

Q. I mean the quality of the stone?

A. No.

Q. Did you inquire into the quality of the stone when you went into the project of removing the wall?

A. No, sir; we simply considered the cause for its removal.

Q. Do you know how long the wall is?

A. The exact length I couldn't give you.

Q. Approximately?

A. No, I wouldn't make any guess at it.

Q. You made no inquiries?

A. I only judged from the way it appeared to the eye.

Q. You have seen the wall?

A. Oh, dear, yes.

Q. Looked at it at the time this question was being discussed?

A. Yes, sir — the last year or so.

Q. I mean having in mind that question?

A. Having in mind its removal.

Q. And you cannot tell at this time in regard to its construction?

A. No, except that it seemed to be of granite. I am not an expert on stone.

Q. Well, was Mr. Pettigrew, the superintendent, called in upon the question of that destruction?

A. I think we used to walk about the pond and over the parks very often together.

Q. That is, you and Mr. Pettigrew?

A. And the Commission and Mr. Sargent — probably looked at it half a dozen times altogether.

Q. Had you ever considered another use for that stone in that wall?

A. Mr. Pettigrew told us that he could not find any purchaser for the stone. That is all I recollect about it.

Q. Do you remember the Park Commissioners advertising for any sale of the stone?

A. No.

Q. Did you take any steps, as Chairman of the Board, or do you remember of any steps being taken by the Board, to advertise the sale of the stone?

A. No, only through Mr. Pettigrew.

Q. Do you understand that he advertised it for sale?

A. Oh, I don't say that he advertised it for sale, but he made endeavors to sell it.

Q. You cannot say exactly that he did make any endeavor to get rid of the stone?

A. Yes, I can say that. I have his word for it.

Q. He told you that?

A. Yes, sir. He made the best efforts he could to sell the stone and couldn't find a purchaser.

Q. Was the question of selling stone discussed before the wall was removed?

A. We were told that it would cost so much money to remove the wall.

Q. How long after you decided officially by vote to remove that wall was the wall removed?

A. Well, that the records will show. It was quite a while, I fancy, because we were digging out gravel, earth from the bridle paths at that time, and widening the space for tree planting, and that was done from time to time. So I don't know how long it was. The records will show that.

Q. Did it occur to the Commissioners that the removal of that wall was a matter of immediate necessity?

A. No, because we had been considering it for some time.

Q. And might have done it at any time?

A. Yes, but the question of the cheapest method of disposing of this earth near by was what led to it at that time.

Q. What was done with the earth?

A. Used for forming the slope to the shore.

Q. And all the earth at that time was utilized properly?

A. Yes, sir.

Q. Now, do you understand what was done with the stone taken from the wall, when the wall was destroyed?

A. I understood that it was put in the pond.

Q. Can you conceive of any reason for putting it there?

A. Only what I understood from Mr. Pettigrew, that that was the cheapest and best way to dispose of it.

Q. In your opinion was there any possible advantage to be derived to the city from putting it in the pond?

A. To make a slope to the shore. It is quite deep there.

Q. Do you understand that that was systematically dumped into that lake there?

A. I don't know how systematically it was dumped, but I know that it was considered that it would be of assistance in forming the slope of the shore.

Q. Do you know anything about the depth of that lake?

A. I only know what I have been told, what I have seen with the eye.

Q. Have you any idea from what you have seen with the eye, and what you have been told, as to what the depth is on the outskirts of that lake?

A. I am told that it is quite deep at that place.

Q. What was told to you by an engineer, or by Superintendent Pettigrew, that would lead you to suppose that that stone would assist in making a slope?

A. I only know what he told me, that it would assist, that it would cost the city money to cart it away, and that the cheapest thing to do was to put it in the pond.

Q. Now, as far as you know, Mr. Stratton, is there a drop of six feet in that lake, or does it slope off?

A. I should not want to give my opinion on that.

Q. Do you know of any work put in by engineers or anybody to utilize these stones for the purpose of making a slope?

A. At the time?

Q. At the time it went into the lake?

A. That I don't know.

Q. Do you know of any public need for making a slope there?

A. Well, the idea was to slope the shore back to the path. That is all I know.

Q. Yes; but as I understand it from your testimony the stone actually went into the water?

A. Yes.

Q. Well, do you know personally that it was necessary to have any slope?

A. I only know what the superintendent told me.

Q. Would you say there was not a slope there at the time the stone was thrown in?

A. I don't know as I understand exactly what you are endeavoring to get at. I am not an expert on the construction of the slopes of shores.

Q. I understand that.

A. I simply repeat what I said before, that I was told that the putting of that stone in would be of some assistance in forming the slope back to the shore, in connection with the shore of the pond.

Q. Then Mr. Pettigrew actually and formally informed your Commission that he was going to make that disposition of that particular stone taken from that wall.

A. That he was going to put it into the pond; yes.

Q. And did your Commission, as a body, authorize that?

A. Well, the vote will be on record, whatever it was.

Q. But as you recall it?

A. Probably the details of it were not in the vote.

Q. I simply desire the committee to understand this. As you recall it, you made no objection to the throwing of the stone taken from the wall into the pond?

A. That is a matter of detail that we should leave to the superintendent, trusting to his knowledge and to his desire to save the city money.

Q. Still, there are certain things, Mr. Stratton, that you would not consent to have the superintendent do?

A. Certainly. But if we passed a vote to have a thing done, we would leave the details to him, as an experienced man, one chosen for that very purpose.

Q. That is, you have relied entirely on Mr. Pettigrew as to what was to be done?

A. In the details of the work.

Q. In the details of the work. Now, in the matter of trees, Mr. Stratton,—has that matter engaged the attention of your Commission, the removal of trees?

A. It has.

Q. Has your Commission as a body considered any particular section of our park system that might be altered, upon the suggestion of Professor Sargent?

A. In regard to the trees.

Q. The trees particularly I refer to now?

A. We have advised with him generally in regard to tree planting and in regard to tree cutting.

Q. Now, with whom else have you advised, Mr. Stratton —or with whom else has your Board advised?

A. We have considered Professor Sargent as the most learned man in arboriculture on this continent, if not in the world. So that was sufficient for us.

Q. Yes, I know; but there were other experts in arboriculture in this section of the country?

A. But we felt that we must choose one expert, because if we had two they might constantly conflict.

Q. I understand; but his services are entirely gratuitous?

A. They are.

Q. Now, has any other expert volunteered his services?

A. None that we knew to be an expert. We had a hearing, which a great many people attended who differed from Professor Sargent in regard to the cutting of trees; but I don't remember any one there that professed to be an expert in arboriculture.

Q. Well, have you taken any pains to consult with any other expert?

A. No; we chose our expert and were satisfied with him.

Q. Now, is this a fact, so far as you have personally observed, that the ideas of Professor Sargent on landscape gardening have differed materially from those of Prof. Frederic Law Olmstead?

A. No, not materially, — in some particulars.

Q. You cannot say, of your own personal knowledge, whether certain constructions made in the plans of Professor Olmstead have been entirely removed by order of Professor Sargent?

A. I can only recall one alteration that we made at Professor Sargent's suggestion in Mr. Olmstead's plans. Professor Sargent has always professed great admiration for Mr. Olmstead.

Q. And that was where — this particular change?

A. That particular change was in changing what was planned to be the "Greeting" at Franklin Park, over by the refectory near Blue Hill avenue. A very expensive plan had been made by Mr. Olmstead, which would cost, I think, between $200,000 and $300,000, for a great concourse for carriages, driving on two wide roads. This, at Professor Sargent's suggestion, we changed into a glade, a grass covered retreat, which we thought would be a good place for picnics and a playground for children.

Q. You don't mean to say, Mr. Stratton, that, as between the ideas of Professor Sargent and Mr. Olmstead upon that question, the element of expense entered into it?

A. Well, that of course entered into it, in our feeling of satisfaction with the change.

Q. Well, what was the state of that "Greeting" there, as to completion, as to progress?

A. It was simply a large lot of broken stone there, as I remember it.

Q. Well, as you remember it, Mr. Stratton, how far has Professor Olmstead's idea been carried out?

A. Only so far as putting certain layers of stone on the ground.

Q. Well, what expense had been involved to the city in the matter of the laying out according to Professor Olmstead's ideas?

A. I couldn't tell the exact amount laid out there.

Q. Well, it had been considerable?

A. I couldn't say, but certainly only a small part of the planned expense.

Q. Well, I suppose your Board as a body went into that question?

A. Yes.

Q. And it was the opinion of the majority of the Board that this change should be made?

A. Yes.

Q. Do you remember whether or not that vote was unanimous?

A. My recollection is that it was.

Q. And they have made that at present into what?

A. What I call a glade. It is covered with grass; a lawn.

Q. Well, beyond its feature as landscape gardening, has it any value?

A. Yes, because it can be used for picnics, and for children to play on.

Q. Yes, I understand, but Professor Olmstead's idea contemplated some actual value as a park?

A. Well, his idea was to have these large roads made, which would be a great expense to maintain, where people in carriages might meet and greet as they do in Hyde Park, or perhaps Central Park.

Q. He wanted to make a metropolitan feature in connection with that system there?

A. Wanted to make a place for the carriage people.

Q. Whether or not your Board considered it necessary or desirable in our park system?

A. Didn't consider it necessary, and thought it would be a great improvement to the eye, and a great saving, of course, in maintenance, to turn it into a grassy lawn, instead of having those wide roads.

Q. But, as far as the Board was concerned, you relied entirely upon the opinion of Professor Sargent?

A. Well, we had our own opinion. We were guided, of course, by the opinion of Professor Sargent.

Q. Professor Sargent represented your opinion on that?

A. He guided our opinion.

Q. Now, take our park system — take the North End Park, for instance, are there any privileges to be granted there? I mean by that, commercial or mercantile privileges to be given to anybody?

A. The North End beach and piers?

Q. Yes, take that, for instance?

A. I don't remember any commercial privilege having been granted there.

Q. Well, to come to Marine Park, there are some there?

A. Yes, sir.

Q. And one of these is the boating privilege?

A. Yes, all over the parks.

Q. And who, at the present time, holds the privilege for letting boats in our park system?

A. Well, it is a company called, I think, — it is a name like the "Park Boat Service Company," — something of that sort.

Q. Well, you understand that the largest stockholder, or the one most heavily interested in that, is Mr. Sheldon?

A. He certainly has some interest. What it is I don't know.

Q. Well, he has an interest at the present time?

A. Undoubtedly.

Q. And that Mr. Sheldon is the man you have previously referred to as responsible, in a measure, for that disaster?

A. Yes.

Q. Which caused the appointment of Mr. Pettigrew?

A. Yes.

Q. Now what does Mr. Sheldon or his company pay for the privilege of letting boats in our park system?

A. I should have to get the contract, and I would have asked to have it brought here, if it had been suggested to me.

Q. Well, if you will bring it at the next hearing?

A. I will.

Q. There is, however, some consideration paid?

A. Yes, but my recollection is that it is something very slight. The whole thing is experimental and the contract was made before I was on the Board, but I think it has since been modified, since I have been on the Board.

Q. Well, it is certainly of sufficient importance to engage your attention somewhat since you have been on the Board.

A. Oh, yes.

Q. And this man, or somebody, has held the privilege for a period of how long?

A. Well, certainly four years.

Q. Then it cannot be said at the present time that it is experimental?

A. No, — yes; I think it can still be said at the present time that it is largely experimental, whether he is going to make any money out of it.

Q. Well, this man or his company has continued there four years, as far as you know?

A. Yes, but I think they have been going on one leg for for some time. I am sorry — if I had known beforehand on what I was going to be questioned I would have been glad to bring in that contract, or any other papers.

Q. Well, I wish you would bring in the contract.

A. I will, at the next hearing.

Q. Now, what privileges are there at City Point, Marine Park?

A. Marine Park privileges have been leased to Mr. Bow.

Q. And what is his business?

A. Restaurant keeper.

Q. And has Mr. Bow privileges in any other part of our park system?

A. None that I know of.

Q. What does he pay for his privileges?

A. There, again, I want to see the lease. He pays a certain percentage over a certain amount of his gross receipts.

Q. Well, has that amounted, as you recall it, to anything material to the city?

A. No.

Q. It has not? Who is supposed to examine, to audit, the accounts of Mr. Bow?

A. Our accountant.

Q. And he is Mr. ——

A. And our superintendent — between them they do it. Mr. Lawrence is our accountant.

Q. Well, it rests between Mr. Pettigrew and Mr. Lawrence, as to what is to come to the city from the proceeds?

A. Yes.

Q. And personally you don't know what the proceeds have been to the city?

A. No.

Q. What I mean by that is, have they been material?

A. All that information I will be very glad to furnish you. I know that what has come to the city has been very small indeed.

Q. I suppose, Mr. Stratton, the matter of the purchase of loam and the purchase of stone would be a matter with which your purchasing agent would be the most familiar?

A. With the matters of loam and stone I should think the superintendent would be most familiar.

Q. Well, what are the duties of your purchasing agent?

A. Well, he purchases such things as shovels and picks, a thousand and one little things that are needed in the management of the parks.

Q. Well, can you suggest to the committee why the purchase of loam and stone, which form really the larger part of your purchases, should not be comprehended within the duties of the purchasing agent?

A. Well, the superintendent would be a better man to answer that than myself. A general notice is given out. Loam and stone are things that come more within the superintendent's knowledge, I would suppose.

Q. Why more than shovels?

A. Well, they come in bulk while the others are purchased from time to time in little quantities.

Q. Now, what is the salary of the purchasing agent?

A. My recollection is that it is $1,200 a year.

Q. And he is confined, as far as the discharge of his duties is concerned, to your office?

A. To his own office.

Q. Well, I mean to the Commissioners' office?

A. Yes, to the Commissioners' office.

Q. You succeeded whom upon the Board?

A. General Walker.

Q. It is not particularly material, but did he die while a Park Commissioner?

A. No; he died on the Board of Trustees of the Public Library.

Q. Now, how much time is devoted by you, Mr. Stratton, to the business of the Park Department?

A. Well, that is rather a hard thing to say — a great deal more than I like to give. There are a thousand and one calls I have, by telephone or personally, and I have things coming up every day that are very hard to calculate.

Q. Well, you do give it all the time you think is required?

A. I certainly do.

Q. And while you have been in this position you have depended upon the superintendent for the carrying out of the superintendent's work?

A. Yes.

Q. And you have gone along the same lines in that direction with every official appointed under you?

A. Yes.

Q. Then you have no means of knowing personally that any man does any thing but his duty?

A. Except when it is called to our attention.

Q. Well, does that occur often, Mr. Stratton?

A. Yes, we have complaints made from time to time.

Q. For instance, do you recall any recent complaint against any of your subordinates?

A. The most of those complaints, you know, I suppose, would go to the superintendent.

Q. Most of them go to the superintendent?

A. All his subordinates would probably go to him.

Q. I know; but do you recall any complaints that have come to you regarding the superintendent's department, for instance?

A. I don't recall any recent ones.

Q. Well, what was the last complaint that you recall, Mr. Stratton?

A. I would rather look at my letter-book and refresh my memory in that way.

Q. I don't expect you to go into the details of work since you have been a Commissioner, but I mean anything that is conspicuous in your mind at the present time?

A. I certainly don't recall now any recent complaints to the superintendent?

Q. Well, do you recall any complaint that was anything material, during your administration, against any branch under your commission?

A. We have complaints of different pieces of work that we have undertaken.

Q. Well, do you mean by that, Mr. Stratton, of the manner in which the work has been conducted, or the idea of performing the work at all?

A. It is generally the idea of performing the work.

Q. And it is your policy to give any hearings to those protesting against a certain line of work?

A. Certainly. We intend to hear everybody personally, and, if it is of sufficient importance, to appoint a special time for all those interested to come and make their complaints.

Q. Well, is the chairman of that Commission the one who is generally constituted the one to hear complaints and pass upon their importance or unimportance?

A. Well, it is generally his lot to be the one, yes.

Q. The Chairman? Then it rests with you entirely whether a hearing shall be given upon a protest or not?

A. No; but I should be very reluctant not to give a hearing, and I don't think where any one has asked for a hearing it has been refused him. I should be very sorry to think any one has asked for a hearing, and I had not given it. I don't recall any such case.

Q. On the matter, Mr. Stratton, of giving out contracts for building in your department — who has charge of that?

A. Well, all contracts over a certain amount have to be advertised.

Q. Well, I am now referring to advertised proposals.

A. The advertisements are inserted in the daily papers, and the bids are deposited in the lock-box, the key of which is in the Mayor's office. The Mayor's clerk or some one from the Mayor's office comes out and the box is unlocked and the bids are opened.

Q. Well, it is your custom when advertising for these proposals to insert the provision that any or all bids may be rejected?

A. Yes.

Q. Now what building have you done within your administration — or rather, I should say, since you have been a member of that Commission?

A. Well, the last one was an administration building in Franklin park.

Q. What kind of a building, or for what purpose used?

A. A building for the storage of materials and machinery, sheds and repair shops, and so on.

Q. To whom was the contract awarded, if you remember?

A. I really couldn't tell you.

Q. Well, do you remember sitting at any hearing at which proposals were heard?

A. I forget whether I was present when the bids were opened or not. I think I was.

Q. How long ago was that?

A. Must have been some time in the autumn last year. The records would show.

Q. You don't recall who the contractor was?

A. I do not.

Q. What other buildings have been constructed within two years that you have passed upon in Franklin Park?

A. I don't remember anything else in Franklin Park.

Q. Well, do you remember some controversy over a bid rejected, offered by a firm named Donovan?

A. I recollect some rejection of all the bids and a readvertising. It seems to me it was in connection with those jobs.

Q. And do you recall whether all the bids were rejected, and whether there was a readvertisement?

A. No, I do not. The records would show, or should show.

Q. You remember now that there was a readvertisement?

A. I have an indistinct recollection that there was a rejection of all the bids and a readvertisement.

Q. Do you know whether or not the secrecy of those bids is absolutely maintained by your Commission?

A. I should be very sorry if it were not. I certainly endeavor to have it so.

Q. Who has charge of handling the bids?

A. After the box is unlocked the bids are ordinarily opened by the Secretary, in our presence.

Q. That is Mr. Clarke?

A. Yes.

Q. And what would lead the Commission to determine whether certain bids were to be rejected and another lot of bids to be received, after readvertising?

A. Well, it would be some mistake in the original specifications — one reason would be a mistake in the original advertisement, the original specifications.

Q. And what might another reason be?

A. Well, such reasons as would suggest themselves to you about as readily as to me — if we felt that there had been any cheating we would certainly reject all the bids. But I don't recall any such case having happened.

Q. How could there be any cheating in the matter of bids?

A. I am told that such things occur.

Q. You require great care and secrecy in the handling of bids, don't you?

A. Well, I suggest, perhaps, collusion between bidders. I understood that you wished me to make a hypothetical suggestion, and I am doing so.

Q. But, calling on your memory, you don't recall anything of the kind in this case?

A. I don't recall anything of the kind in this case.

Q. Do you recall any other reason — not putting a hypothetical question — such as would induce your Commission to reject a set of bids?

A. It would only be some mistake in the original advertisement contract, a technical matter.

Q. Or where you heard of some collusion between bidders?

A. Yes; but I don't recall anything like that, collusion between bidders.

Q. And personally you don't recall this Donovan case?

A. No, I don't, but I would be glad to refresh my memory, if you would like to have me do so.

Q. I wish you would consult the record. Do you know Mr. Shea, James B. Shea?

A. Oh, yes.

A. And do you come in personal contact with Mr. Shea at all?

A. Very seldom.

Q. Well, is it in the line of his duty to —

Q. (By the CHAIRMAN.) Pardon me, Mr. Stratton — has your Secretary got the books here?

A. I don't know. I did not receive anything but a request to appear myself, and I don't know that any intimation has been given us that the records were wanted, or we would have brought them.

Q. I was going to say, in order to avoid reiteration of evidence, that it might be well to have the books here, so that these questions can be answered correctly.

A. It would shorten matters a good deal if we could have the records here.

Mr. LUNDY. — I was about to say, Mr. Chairman, that I have been, perhaps, devoting a little too much time to ascertaining about the memory of Mr. Stratton. But my object in putting Mr. Stratton on the stand was not to get correct knowledge of the workings of the department, but to find out exactly how much he knows of what he should know as a Park Commissioner. By taking the books, of course I shall obtain the accurate information. Perhaps, as I say, I have devoted a little too much time to that line, and I trust that the committee will pardon me. But my idea is to get from Mr. Stratton what he knows from his experience as a member of this Commission — not what the Park Department actually has done.

The CHAIRMAN. — You will proceed, then.

Q. (By Mr. LUNDY.) Your Commission, Mr. Stratton, sits as a body, I presume, on the question of all purchases of land for park purposes?

A. Yes.

Q. And do you recall what large or what material purchases of land you made for the park system during the year 1897?

A. There couldn't have been any — the only large taking would be over the Strandway, as I remember, over what we call Old Harbor, I think.

Q. Do you recall whether or not that was taken from individual owners?

A. Yes.

Q. It was? And do you remember under what system you worked in obtaining that land? I mean what your process of taking it was?

A. We made the taking and, I think, afterwards settled or endeavored to settle with the owners.

Q. You took it under the right of eminent domain?

A. Yes.

Q. Now, is it the custom of the Park Commissioners or of the proper officials of the department to consult with the owners before their land is taken under the right of eminent domain?

A. That depends on circumstances — depends a good deal on who the owners are.

Q. Well, why?

A. Because if we think there is likely to be a change in the ownership if we begin talking about it, we proceed very quickly.

Q. Well, what do you mean by there being likely to be a change in the ownership?

A. Well, if somebody gets word that the Park Department is going to take some land they may get a bond from the owner of the land.

Q. Well, why should one owner receive that information any more than another one?

A. That is more than I can tell you.

Q. Well, what leads to that suspicion on your part?

A. Because I have heard of such cases.

Q. I know; but you would be as likely to hear of it in one instance as another?

A. Once or twice we have heard that land has changed hands while we were considering the matter.

Q. Well, now, has that actually occurred in the transaction of any real estate deal in which the Park Commissioners have been interested, that it has changed hands during the process of the transaction, the transfer, that you recall?

A. I should say there was one case that I can recall.

Q. Yes, and that occurred when?

A. And I should have said it was this very same taking over the Strandway, which we tried to make with great celerity and secrecy.

Q. And how much of that land that you took at the Strandway was involved in this transfer?

A. Well, that would be hard to say.

Q. Well, it wasn't the entire amount that you took?

A. Oh, no, not at all.

Q. But some part?

A. Yes.

Q. Now do you recall who owned the land at the time when it was proposed to take it?

A. No; I do not.

Q. Well, did you afterwards take that same piece of land?

A. Well, we took it, you know, and later, when we took it we found out that it had been transferred, that somebody had a bond of it, or something of that sort.

Q. Well, how did that affect the city of Boston?

A. Well, I hope the city didn't pay anything more for it than it otherwise would have done, but the chances are always that you can make a better bargain with an original owner than with somebody who has to be paid a profit over his price.

Q. I do not ask you exactly as to figures, but do you remember on that transaction whether the city paid more or less than the assessed valuation for that property?

A. I am afraid that I don't recollect a case since I have been on the Board where the city has paid anything less than the assessed valuation of the property.

Q. Well, do you recall any cases where the city has paid considerably more than the assessed valuation?

A. I regret to say that I do recall cases where the city has paid considerably more than the assessed valuation.

Q. Well, by order of the Court or by a vote of your Commission?

A. Where there has been such a case I think almost universally we have referred the matter to the Law Department — where the price has seemed to us, where the price was considerably in excess of the assessed valuation.

Q. Mr. Stratton, do you recall a single case in which the Park Commission itself has passed upon the question of the purchase of land, or the payment for the purchase of land, or the taking of land, where the price asked by the owner was in excess of the assessed valuation?

A. You ask me if the Commission of itself has paid a price in excess of the assessed valuation?

Q. Yes.

A. Yes, we have done so.

Q. You have?

A. Yes.

Q. Now, how excessive? I don't mean the exact figures, but what would appear to you, personally, as excessive?

A. Well, I can recollect the time when we took the playground at the corner of Columbus avenue and Camden street, where we paid 15 per cent., I think, in excess of the assessed valuation.

Q. Well, did you consider that a fair profit, a good profit, or an excessive profit for the owner?

A. Oh, I thought we got the land cheap.

Q. You thought you got the land cheap?

A. Yes.

Q. You thought you got the land cheap?

A. Yes.

Q. From whom did you purchase it?

A. From quite a number of parties. We purchased the interior land, I should think from twenty or more parties, and the exterior land was owned by the heirs of William Rotch and by the Boston Elevated Railway Company.

Q. And do you remember having any consultation with the owners on the question of the taking of that property?

A. Yes, we did — that is, where we thought we could deal with the owners.

Q. Where you thought you could do business with the owners?

A. Yes, sir.

Q. And you did business with all the owners?

A. No, because with twenty or thirty we considered ourselves fortunate in having somebody who was able to get their signatures to an option.

Q. Now, as an ordinary thing, Mr. Stratton, what do you think of 15 per cent. over the assessed valuation? I mean by that, what kind of profit do you consider that?

A. Well, of course, as you know, the assessed valuation is a matter entirely by itself.

Q. Yes, that is true.

A. It may be in excess of the real value of the land or it may be below it. But our experience is, in the City of Boston, that the assessed valuation is not in excess of the real value of the land, and our experience I think is the same with that of all bodies that take by eminent domain, that we are obliged to pay more than where you can go to an owner and bargain for his land.

Q. That is the playground on the corner of Camden street and —

A. Columbus avenue.

Q. How near to that is the nearest playground?

A. Well, of any size? I don't know whether the Fellows-street playground is, but I should think it is almost the nearest, but it is a very small one.

Q. That is the nearest? Aren't the Fens nearer than that? Of course, that, strictly speaking, is not a playground?

A. No, that is not, strictly speaking, a playground. I guess the Common is nearest to that.

Q. Well, where you have an open space, an open ground, you don't deem it absolutely necessary to take any other piece of ground within a reasonable distance and call that distinctly a playground, do you?

A. We don't wish to take playgrounds near each other, because there are so many different sections of the city that need them.

Q. How many playgrounds have you got in Dorchester?

A. I think Dorchester has got its full share.

Q. And perhaps a little more?

A. Yes.

Q. Now, take that part of Dorchester embraced within the ward lines, say, of Ward 24, — are you familiar with that?

A. Well, reasonably well familiar with it.

Q. There is a playground in Franklin Field, of course?

A. Yes.

Q. Now, state the nearest one to that.

A. Well, I should say the nearest one would be either the Christopher Gibson or that little one at Ashmont.

Q. Now, there you have three. Isn't there another one within a short distance of either one of these three?

A. I should say the one we have taken at Savin Hill, yes, — I don't know the exact distance from Savin Hill to the Christopher Gibson.

Q. Now, Mr. Stratton, as you recall it, within how great or small a radius are these four playgrounds confined?

A. I really should want to measure it on the map. I am a very poor hand at giving distances. One of those wall maps of the city should have the playgrounds marked on it

(At this point a map was produced and consulted).

Q. Now, Mr. Stratton, we have one at Franklin Field?

A. Yes; and we have the Christopher Gibson.

Q. Then we have one here at Wells avenue?

A. Yes.

Q. And the other at Savin Hill?

A. Yes.

Q. Now, which of those playgrounds — I mean, of course, aside from Franklin Field — was taken by your commission first?

A. The first one we took since I have been on the board was the Christopher Gibson.

Q. Have all those three playgrounds been taken since you have been a member of the Park Commissioners?

A. The Christopher Gibson is one, the one at Savin Hill, and the one at Neponset; yes.

Q. (By Alderman CODMAN.) The one at Neponset was the first one taken.

A. Was that taken before the Gibson?

Q. The Gibson was year before last, and the one at Neponset was taken before that?

A. I daresay that is right, then, that the one at Neponset was taken first.

Q. (By Mr. LUNDY.) Which was taken first?

A. Alderman Codman thinks it was the one at Neponset, and I think quite likely he is right, too.

Q. Now, approximately, how large is that playground at Neponset?

A. Well, I am a very poor hand at calculating areas.

Alderman CODMAN. — Twenty acres.

Q. (By Mr. LUNDY.) About twenty acres. And why was that ground taken at Neponset? In other words, was it upon petition?

A. My own recollection is that the Board of Aldermen and the Common Council appropriated the money for it and asked us to take it.

Q. To take that particular piece of ground?

A. That particular piece of ground; yes.

Q. What has been done within your administration to improve that ground?

A. Simply filling.

Q. Well, that ground is not completely filled yet, is it, Mr. Stratton?

A. I think it needs something more.

Q. And there has been considerable money expended by your commission to improve that ground?

A. Yes.

Q. And did you have any voice in the taking of that?

A. I think not. I think we were directed to take it by the City Council — at least, requested by the Mayor and City Council to take it.

Q. I know, but whether, as a matter of fact, you have some voice in the taking of land, even under an order?

A. Yes, sir.

Q. Well, did you agree to take that, as you remember?

A. Oh, yes.

Q. And it appeared to you to be a suitable place?

A. Yes.

Q. Then your judgment and the judgment of the Mayor and of the united bodies of the City Council agreed?

A. Yes.

Q. Well, did you see that land personally?

A. Yes.

Q. And did that land appear to you to be the proper place for a playground?

A. I don't know that I should have selected it myself, but having been requested by the City Council and by the Mayor, we thought it was best to take it.

Q. Well, of course, you have no means of knowing what the views of the other members of the commission were?

A. No, except, of course, that we took it as a body.

Q. You simply took it then, upon suggestion?

A. Yes.

Q. At the present time, what do you think of that as a playground?

A. I think it is a good taking. We got the land there cheap, but, of course, it has been expensive filling it.

Q. Now, I will ask you this — has the profit made by taking that land at the figure at which you got it been commensurate with the expense to which you have been obliged to go to place it in anything like fit condition since?

A. I should say so.

Q. You would say it had?

A. Yes.

Q. And how long do you calculate that it will take your commission to make that a proper playground?

A. I shouldn't think it would take more than this season, if we get the money.

Q. And you have been how long filling it?

A. Probably a couple of years.

Q. And you think after that time and the expense that has been devoted to it, that it will be a profitable investment to the city after it is filled?

A. Yes.

Q. Do you know who owned that land?

A. It was owned, I should think by six or eight different people, certainly, — perhaps more.

Q. Do you recall any of them?

A. I remember that Mr. Blackwell was one.

Q. Yes. Who else?

A. My recollection is, some people by the name of Pratt, no relatives of the commissioner.

Q. Why do you say "no relatives of the commissioner?"

A. I thought, perhaps, as you were investigating us, that you would like to know the facts?

Q. Did any commissioner recommend the taking of that land?

A. I don't know, I am sure. The order came to us from the City Council — that is all I know.

Q. And that was your first idea of that?

A. Yes.

Q. Now, to come to the Wells avenue place, — that is the most recent taking?

A. Savin Hill, I think, is the most recent.

Q. Well, to come to Savin Hill — that was taken by right of eminent domain, of course?

A. Yes.

Q. And, as you recall it off-hand, what was paid for that? I mean — I suppose you get my idea — the excess over the assessed valuation in percentage?

A. Well, that I couldn't tell you exactly, but it was considerably in excess of the tax valuation.

Q. It was?

A. It was.

Q. And that was given without litigation — the price was given?

A. Yes.

Q. And your commission voted to pay it?

A. Yes. We dealt with the Worthington heirs.

Q. And with them directly?

A. Yes.

Q. Now, do you recall whether or not there was a petition for that playground?

A. I do not.

Q. Well, you would know it if there was any substantial petition for a playground there, wouldn't you?

A. I don't recall. What particularly interested us and the Mayor was that there was a bathing beach there.

Q. Then you got this upon the suggestion of His Honor the Mayor?

A. I think he was particularly interested in it. I forget in what way it first came to our knowledge.

Q. In other words, the Park Commission was told to take this? Is that so?

A. No; it was suggested to us.

Q. Well, was there any considerable inquiry into the suggestion as to taking it?

A. Oh, yes; we considered it for some time.

Q. Then that taking was perfectly satisfactory to your Board, unanimously?

A. Yes.

Q. And the mere fact that you had to pay something greatly in excess, as you say, of the assessed valuation, did not retard you in taking it?

A. No; because we were paying what the land was worth.

Q. In that case to the Worthington heirs?

A. Yes.

Q. To come to Wells avenue, when did you take that?

A. That was taken, I should say, about a year ago.

Q. How much is there there? Do you know?

A. Not much more than an acre, — may be an acre and a half.

Q. Why did you take that?

A. Well, it is near the new high school building there.

Q. Well, how much land were you empowered to take there?

A. Well, up to a certain amount in dollars and cents. We are unrestricted except as to so many thousands of dollars.

Q. Now, there is a considerable section of vacant land, isn't there, right there?

A. A good deal of vacant land, yes.

Q. And you took part of one lot, one large lot?

A. Part of one ownership, yes.

Q. Who was the owner of that?

A. His name was Costello.

Q. Which one?

A. I should say James J. — I am not sure. The map would show.

Q. And did you deal directly with Mr. Costello?

A. Yes, but couldn't make any settlement with him.

Q. Was there any talk with Mr. Costello about taking the whole of that land?

A. I rather think he wanted us to take it, but I am not sure.

Q. In what way did he communicate with you? Did he send to you or did he come to you?

A. We didn't send for him.

Q. Then, as you recall it, he came to you?

A. Yes.

Q. Then whom did he see — you, or the Commissioners as a body?

A. I don't recall — probably wrote to us and saw the secretary, but didn't see me.

Q. Did you have any petition from residents of the neighborhood to take that?

A. No, I don't recollect any.

Q. How was it suggested to the Commission that that playground should be taken?

A. My recollection is that it was through the Mayor.

Q. Now, did the owner of this property, Mr. Costello, ever wait on your Commission or any member of your Commission, to your knowledge, in company with the Mayor?

A. No. I don't recollect myself having seen Mr. Costello.

The CHAIRMAN. — What playground is counsel talking of now?

Mr. LUNDY. — On Wells avenue.

Q. (By Mr. LUNDY.) The second last acquisition of the city, is it not?

A. No, probably the third or fourth — or fifth, really. It is one of the early ones we took.

Q. Whether or not that is paid for yet?

A. No, it is in suit, I am told.

Q. Well, do you know that?

A. I am very sure it is.

Q. Do you recall approximately what your Commission is willing to pay for that land?

A. Well, approximately, I am willing to say that I think we offered to pay something like twenty-five cents a foot.

Q. And approximately, do you know what Mr. Costello's demands are for that land?

A. Something like forty cents a foot, I think.

Q. Something like forty cents a foot, and you haven't any idea relatively as to the excess of the valuation in the price you offered to pay him?

A. No, except that we undoubtedly offered something a little in excess of the assessed valuation.

Q. Then as you recollect there was no petition to take this playground, and it is within a mile at least of the two others, is it not?

A. Yes.

Q. Practically in one section?

A. Yes.

Q. And without petition but simply upon the suggestion of Mr. Costello or His Honor the Mayor, the Park Commission proceeded to take that land?

A. I have told you what governed me. I made the same criticism that you have made at the time in regard to its nearness to the other playgrounds, but it was a small playground and it was very handy to the new high school. That was the deciding thing with me. If it had been a larger purchase I should not have voted for it.

Q. Well, you took there at least 98,000 feet, didn't you?

A. Well, I had forgotten that it was as large as that.

Q. Well, should you say that there were in the whole lot 200,000 feet?

A. In all that he owns there?

Q. Yes.

A. I don't know.

Q. It was compact, in one lot?

A. There were streets plotted through the tract, and we may have taken as many feet as you have said.

Q. Now, Mr. Stratton, did you consider that piece of land there, without the strength of a petition behind you, sufficiently important to your system to take it after the owner had failed to agree to what your Commission had considered a reasonable figure for it?

A. My feeling was that, originally, if we hadn't had the other playgrounds it was an excellent place for a playground; but, having these other playgrounds, I debated the matter some time myself, personally. But, it being a small playground, and being near this new high school, I was willing to vote for it if the others wanted it.

Q. Briefly, on principle, you objected to that playground?

A. I started in a critical mood. I felt the same objection you have expressed, that it was near the other playgrounds, and I thought they had their share in that section. But it was a small playground and near a high school, and that decided me.

Q. You had not only the objections you have referred to, but also objected as a matter of price?

A. No, I felt that we should take it and leave it to a jury to say what the figures should be, trusting that the jury would say that the figure should be what we thought it should be.

Q. Now, have you received petitions from other sections of Dorchester for playgrounds, which you have not granted?

A. Yes. I think we have been asked to take a playground, I should say — I don't know of any petition for it, except perhaps from two or three people — nearer the Lower Mills, somewhere nearer the Lower Mills.

Q. Now, the citizens of the Lower Mills are located some considerable distance away from any playground?

A. Yes. I will tell you what has influenced me somewhat in regard to the Lower Mills. It is that we had given a playground there in Dorchester Park, and eventually there are the city stone yards there, which are quite near, and when the stone is exhausted, that will not be very far away. The city could have a large playground there which would not cost them anything.

Q. Well, that is a matter of cost, entirely?

A. Yes.

Mr. LUNDY. — Mr. Chairman, I believe I will suspend here and reserve the right to call Mr. Stratton again.

The CHAIRMAN. — Counsel reserves the right to call you again, Mr. Stratton.

Mr. STRATTON. — I shall be be very glad to come whenever the committee would like to have me.

The CHAIRMAN. — Would any member of the Committee like to ask the Chairman of the Park Commission any questions? [No. response.] Mr. Matthews, do you desire to ask any questions?

Mr. MATTHEWS. — Not at this time, sir.

Alderman GERRY. — Mr. Chairman, I would like to ask Mr. Stratton a few questions.

Q. (By Alderman GERRY.) Did I understand you aright, Mr. Stratton, that you said you had heard that Mr. Pettigrew had been discharged from Chicago on account of certain things which they did not like out there?

A. Yes.

Q. You heard that. I am correct, then, in thinking you said that?

A. Yes.

Q. And was I also correct when I heard, or thought I heard, you say you heard that Mr. Pettigrew was about to be discharged from Brooklyn?

A. That was the charge made to me.

Q. That he was about to be discharged?

A. Yes.

Q. Now, sir, did you think you were justified in engaging a man to undertake such a task as the spending of millions of dollars of the City of Boston's money, with the reputation, according to your statement, of that man?

A. This was told to me, I think, a year and a half or so, or a year, after he had been appointed, and it was not told to me in such a way as to give me any confidence in it, I having seen Mr. Pettigrew for a year and having known how he was considered in Brooklyn. I thought this statement, made as it was, from my own knowledge of the man and my experience with him, and knowing how he was considered in Brooklyn, was not true.

Q. I know, but if you were going to hire a clerk to conduct your private business, and you heard there was something not quite right about his reputation, do you think you would hire a clerk of that kind?

A. I had already hired him, you know.

Q. And, having hired him, wouldn't you have dismissed him or have looked things up to see what the trouble was out there?

A. If he had been with me for a year and I had acquired the greatest confidence in him, and I had seen him in his last place and knew that we were regarded with some disfavor for having taken him away from there, I should think that possibly, knowing how politics are in Chicago, his discharge there was for political reasons — as I feel sure that it was.

Q. Did you ever investigate and find out what the reasons were?

A. I did not.

Q. Didn't you consider it your duty, as Chairman of the Park Commissioners, where you are putting into the hands of a man the spending of as much money as is put into the hands of Mr. Pettigrew, to find out about such things?

A. The way and manner in which the statement was made was not such as to put me on my inquiry, I thought.

Q. I know, but according to your account — I do not make the statement — there was something, and don't you think it was your duty to find out what it was, in order to safeguard your own department? You knew very well that he was advising, to say the least, the spending of a great deal of money, making contracts and doing a great many things where money was involved?

A. I think Doctor Gerry, that if you had been in my place you would have done as I did.

Q. I don't think so.

A. Pardon me, until I complete my answer. I felt that if there was any charge against Mr. Pettigrew and he had left his place in Chicago for dishonorable reasons, I should have heard of it in some other way than I did, before a year after his appointment.

Q. Well, the way in which you heard it you think made a difference?

A. Yes.

Q. Well, should not the simple fact of hearing it cause you to look into the matter? If it was true, wasn't it your place to find it out, and if it was not true was it not just as much your place to find it out?

A. I think, if you have been in close contact with a man for a year and know what his reputation is in the last place, that a mere chance, vague accusation made by somebody a year after his employment, need not put you on your inquiry. I did not consider that it should put me on mine.

Q. How about the proposed discharge in Brooklyn?

A. I said that the statement was made to me at the time, and, as I knew the contrary to be true in Brooklyn, and that they were very reluctant to lose him there, I felt justified in not paying further attention to what was said to me at that time.

Q. Well, here was a man who had been discharged from one place, for political reasons or not, and was about to be discharged from another.

A. But, as I knew there was a mistake about the second place, as I knew that, on the contrary, they were reluctant to lose him in Brooklyn, I did not take any stock in what was stated as to his being discharged for dishonorable reasons from Chicago.

Q. You did not, then, consider that the statement, as far as Brooklyn was concerned, was true?

A. It was a mistake.

Q. On whose part?

A. On the part of the man who gave me the information.

Q. Well, didn't it seem rather strange to you that there should be two such accusations against the same man, in the same direction?

A. I have heard too many accusations against men, in the course of my life, Dr. Gerry. Some people, you know, are not so careful in the way they make their statements, as others, and we are all open to accusations.

Q. I know; but didn't you consider that this was a very important matter?

A. I considered that if our superintendent had a dishonorable past I should have learned of it earlier than this from some other source, and in some formal, positive way, rather than by a chance remark made by some one who came on another errand.

Mr. MATTHEWS. — While not caring to examine Mr. Stratton at this time, reserving the right to do so until counsel for the other side has disposed of his case, I would like to ak Mr. Stratton one question, upon the line of inquiry that Dr. Gerry has opened.

The CHAIRMAN. — Proceed.

Cross-Examination.

Q. (By Mr. MATTHEWS.) Do I understand, Mr. Stratton, that the same person gave you the alleged information that Mr. Pettigrew was about to be removed from Brooklyn who gave you the alleged information that he had been discharged from Chicago?

A. Yes.

Q. And I understand you to say that you knew the statement in regard to Brooklyn was false?

A. I knew it was an erroneous statement.

Q. How did you know that?

A. Because I read the newspapers and had read the letters that were sent here regarding the departure of Mr. Pettigrew from Brooklyn.

Q. Wasn't there some criticism on the part of the Brooklyn officials about your Board and Mayor Quincy having taken Mr. Pettigrew away from them?

A. There was, yes, sir; and the Mayor was quite troubled about it, because it looked as though we had gone there and been feasted, and had repaid their hospitality by stealing their superintendent.

Q. Were any complaints brought to you from Brooklyn?

A. There was a letter written to Mr. Hodges.

Q. From the Mayor of Brooklyn?

A. By one of the Park Board, if I remember aright.

Q. Do you know whether Mr. Pettigrew was offered a larger salary to return to Brooklyn?

A. I have heard so. I will say, in justice to Mr. Pettigrew, in regard to this statement made against him at that time, that that is the only time I have ever heard anything against his character.

Q. And that was said by a man who, at the same time, told you something else about him that you knew was not true?

A. Yes.

Q. And that is the reason why you did not pay much attention to this other suggestion of his?

A. Yes.

Q. Do you happen to know whether or not, after you secured the services of Mr. Pettigrew away from the Brooklyn people, Brooklyn offered him a larger salary to return?

A. I have heard so.

Q. And whether he replied that he was in honor bound to remain in the City of Boston, having made arrangements with you?

A. I have been told so.

Re-direct Examination.

Q. (By Mr. LUNDY.) The only man who informed you that there were charges against Mr. Pettigrew in Brooklyn or Chicago did not pretend to speak for himself, did he?

A. My recollection is that he did not; no.

Q. He made certain representations that he invited you to look into — is that so?

A. No; I don't think he put it that way. He said, "You know So and So."

Q. And you didn't know it?

A. No.

Q. But he spoke for a body? You didn't understand him to speak on his own personal responsibility?

A. I beg pardon. I think he made an individual statement. They came on a particular errand, and in the course of the conversation, as they were leaving, he said, in conversation, "You know So and So."

Q. But he came to you as the member of a committee?

A. Yes.

Q. And you couldn't take it for granted that he was speaking for himself?

A. I did take it for granted; perhaps I was wrong. Their business was over, and in parting he made a remark of that kind.

Mr. LUNDY. — That is all.

The CHAIRMAN. — Call the next witness.

TESTIMONY OF GEORGE F. CLARKE.

Q. (By Mr. LUNDY.) Your full name, Mr. Clarke?

A. George F. Clarke.

Q. And you live where?

A. I live on Plymouth street.

Q. That is in Boston?

A. Yes.

Q. You are secretary of the Park Commission?

A. I am.

Q. What is your salary?

A. $3,000.

Q. Now, how long have you been secretary of the Park Commission?

A. Since 1875 — not as secretary; as clerk first, for a little while.

Q. Yes. Now, your duties are what, Mr. Clarke?

A. The usual duties of a secretary, sir.

Q. You simply record the minutes of meetings held? How much correspondence do you handle?

A. All the correspondence comes through my hands; that is, all papers received at the office and presented to the Board.

Q. They are all presented to the Board?

A. Yes.

Q. And whom have you with you in the office there?

A. Well, several clerks, a book-keeper, a purchasing agent.

Q. A purchasing agent there with you?

A. Yes, and another clerk, and a stenographer and typewriter.

Q. The purchasing agent is Mr. Ogden?

A. Yes.

Q. And how long has Mr. Ogden been there with you?
A. Six or seven years; I don't remember the exact time.
Q. And the other is Mr. Lawrence?
A. Mr. Lawrence has been there since 1884, I think.
Q. Since 1884? And are you related to Mr. Ogden?
A. No.
Q. Well, whether or not you know whether one of the Mr. Ogdens there is related to the other?
A. I do know, yes.
Q. And what is that relationship?
A. Brother.
Q. Now, you devote how much time to the duties of your office, Mr. Clarke?
A. All day, sir.
Q. All day long — and how much correspondence, figuring it as an average, do you receive; I mean, in numbers of letters per day?
A. Four or five — I don't remember particularly.
Q. Four or five a day — and is it a part of your business to go about the Park System at all?
A. No.
Q. Is it a part of your business to have anything to do with the Superintendent or any subordinates of the Park Commission?
A. No.
Q. Do you pass upon any of the plans?
A. No.
Q. Are you taken in consultation with members of the Board upon any questions?
A. They sometimes ask me with reference to laws and such things, that I am posted about.
Q. Then you act, to a certain degree, in the capacity of of counsel to the Board — within a certain degree?
A. Within a certain degree — I have to find the Acts and things of that kind, when the Board asks for them.
Q. And what else have you to do, Mr. Clarke, besides examine this correspondence and refer it to the Board?
A. I have to answer some letters.
Q. Well, do you do any original correspondence for the Board? That is, I mean, do you write or dictate letters, other than those in reply to letters you receive?
A. No, no others.
Q. You don't? Then it would be fair to say that, on your estimate, you receive on the average five letters per day, that you don't have to write more than seven a day?
A. I don't say I write them.

Q. Well, dictate, I mean?

A. Or dictate, either.

Q. It is safe to say that you reply to as many letters as you receive?

A. Most of the letters come before the Board at their regular meetings.

Q. Then, as a matter of fact, Mr. Clarke, you don't even have the trouble of replying to the letters received?

A. Not unless they are referred to me to be replied to.

Q. And to that amount of work you have mentioned you devote your entire time, each day of the week?

A. I do.

Q. And what are your office hours?

A. Nine o'clock until five.

Q. Now, Mr. Clarke, are you familiar with any of these real estate transactions that I have gone over with Mr. Stratton?

A. I am.

Q. Now, to take this taking of land on Wells avenue, have you ever seen the proprietor of that land yourself?

A. I met him once on Court square.

Q. Well, did you ever meet him to have any conversation in regard to this land?

A. He talked to me about it, yes.

Q. And what was the nature of his remarks upon it?

A. He asked me what he should do to get a settlement with the Board?

Q. And what did you say to him?

A. I told him to write a letter to the Commissioners.

Q. And did he say to you what the nature of the settlement was that he desired?

A. Well, he suggested, I think, something like forty cents that he wanted, and afterwards wrote a letter.

Q. He suggested to you that he be paid — is that it? — what he wanted?

A. Well, he suggested that he thought that was what the land was worth, as I understood him.

Q. Well, did he ask you to make a recommendation to any member of the Commission?

A. No.

Q. Mr. Costello was the owner of this land, I understand?

A. Yes.

Q. How long before that had you known Mr. Costello?

A. Oh, I had known him several years.

Q. And you had had many conversations with him?

A. No, very few.

Q. Then this conversation concerning this land was unusual?

A. Quite so.

Q. And your single recommendation to Mr. Costello wa to write a letter to the Board?

A. Or else to see one of the Commissioners.

Q. Do you know which he did?

A. He wrote a letter. Whether he saw a Commissioner I don't know. He may have done both.

Q. You didn't see him hold a conversation with any Commissioner?

A. No.

Q. And you can state accurately that the matter is now in litigation?

A. Just where it was. The land was taken, and he has a claim for damages.

Q. Do you have anything to say about the granting of privileges in different parts of the Park System?

A. No.

Q. You were there, of course, when Mr. Pettigrew was appointed?

A. I was, yes.

Q. Do you recall this delegation that waited upon Mr. Stratton, or members of the Board, in regard to Mr. Pettigrew?

A. I saw nothing of them at all.

Q. You don't know anything about that?

A. No.

Q. As Secretary, has anything ever passed through your hands that would lead you to suppose that Mr. Pettigrew was not a proper person for that position?

A. Nothing whatever.

Q. Have you received complaints against him?

A. No, sir.

Q. Now, do you handle the complaints that are forwarded in regard to certain changes in the Park system?

A. Complaints? I have all the papers, yes.

Q. And during the past year, Mr. Clarke, how many hearings have been granted on complaints, approximately?

A. I don't remember. I can have the facts for you.

Q. But you do recall that there were certain hearings given?

A. Yes.

Q. And do you recall any decision arrived at by the Commissioners favorable to the petitioners or complainants?

A. I don't think so — I don't remember.

Q. Don't think there ever was?

A. Yes, there was one — I beg pardon. There was a question of opening a passageway in a wall at Franklin Park, or keeping a driveway open.

Q. That request was granted?

A. That request was granted.

Q. Now, do you know exactly what the relation of Professor Sargent is to the Board of Park Commissioners?

A. I don't know of any relation.

Q. How often does Professor Sargent appear at your office there?

A. Very seldom.

Q. And do you know of any suggestions coming from the Professor that are not brought by him personally?

A. I do not.

Q. You do not? Then so far as you know, every suggestion or every complaint that has been made by Professor Sargent he has made personally to the Board?

A. I don't know of any other way.

Q. Have you received any complaints concerning corners in the Park Department?

A. No.

Q. None at all?

A. I don't remember any now.

Q. Have you noted, from any cause at all, any lack of discipline in any branch of the Park Department?

A. No.

Q. None of those matters have been brought to your attention, if there be any.

A. Any lack of discipline?

Q. Yes.

A. I haven't heard of any — that is, so far as I remember now.

Q. Does the superintendent of the park system appoint his underlings directly?

A. He appoints them, yes.

Q. And is the Park Commission apprised of such appointments by the superintendent?

A. He is authorized by the Board to make appointments when they are needed.

Q. But he recommends the appointments?

A. He gets them through civil service.

Q. And you would have the names of men appointed in your office?

A. They would be in the office; yes, sir.

Q. And do you know of any men having been appointed in your department who have not been recommended or taken from the civil service lists?

A. I do not.

Q. And has it ever come to your notice, Mr. Clarke, that men are working in different branches of your department contrary to the laws of the civil service?

A. I don't know of any.

Q. Have you heard any suggestions of that at any time?

A. No; I have not.

Q. You have said that you might recall the names of different men appointed, say within three years?

A. Do you mean appointed by the department?

Q. Yes; I mean if they occupy anything like conspicuous positions, you know — where they are and what they have to do?

A. I might or might not. I have nothing to do with the employment of labor.

Q. Well, there are certain things you do, Mr. Clarke, outside of this correspondence, five letters per day?

A. Exactly. There is considerable work in the office.

Q. To help out this committee, what else is there to be done by the secretary of the Commission?

A. I have to keep track of all the business done.

Q. Yes, but what business is done, Mr. Clarke?

A. Well, a lot of business, the lands purchased, playgrounds, etc. I have to keep the papers relating to them and look up questions of that kind, and make out statements of the amounts paid and assessed valuations, etc.

Q. You don't take land for park purposes more than twice a day, Mr. Clarke?

A. No.

B. In fact, you are obliged to record transfers very seldom in the course of a year — isn't that so?

A. Transfers of land?

Q. Yes, to your department?

A. No, quite often.

Q. Well, as far as you know, for instance, how many last year, approximately?

A. It would be difficult to state with any precision. I would rather make a list of the transfers.

Q. As I stated before, in my examination of Mr. Stratton, that is not what I want, — a list. I want to know now, to the best of your recollection, approximately, how many transfers did you record last year?

A. There might have been twenty.

Q. And there was no fact connected with any single one of those transactions that would lead you to bear it in mind at the present time more than any other?

A. I don't know what you mean.

Q, Well, I mean this, that all you know about a transfer is the fact that a transfer is made, and you make a note of it?

A. Have to send a draft in, yes.

Q. Now, aside from the noting of certain transfers of land made to your department, what else do you do?

A. In reference to land?

Q. Well, yes, if there is anything else you personally have to do with the land transactions tell us?

A. I have to look out for the plans and see that the proper plans are made.

Q. Now, what else, outside of the real estate transactions that you record as secretary, do you do as secretary of that Commission?

A. There is a general office business that is under my immediate direction.

Q. I know, but will you suggest something that comes under the head of a general office business?

A. There is all the filing, etc., and taking care of the papers.

Q. Yes, I know, but what is it that has to be filed away particularly?

A. Oh, there are various things to be filed away, and contracts and things to be looked out for.

Q. Contracts for what?

A. All the contracts that the Board has.

Q. Does the Board make contracts for supplying loam?

A. Loam is purchased by the load generally.

Q. Do you have any contracts to file with regard to the purchase of stone?

A. It is not purchased by contract.

Q. Well, what do you purchase by contract, or what do you contract with somebody to do, or what does somebody contract with you to do?

A. There are contracts made for various things in the department.

Q. That is exactly what I am trying to get at, Mr. Clarke. What is the nature of these contracts?

A. Contracts for buildings, contracts for stone walls, contracts for iron fences.

Q. And those are quite numerous, are they?

A. Quite a number; yes.

Q. Say two a week?

A. Well, I don't know — perhaps there would be thirty or forty in a year.

Q. And do you have anything to do with those contracts, beyond filing them and recording them when they come to your office?

A. I have to look them over and examine them, see whether they are properly drawn.

Q. Do you have anything to do with the accepting or rejecting of bids?

A. I have nothing to do with the accepting or rejecting of bids. I merely read the bids and hold them.

Q. And do you make any suggesiion as to the disposition of bids?

A. No.

Q. Now, do you recall the case I referred to in my examination of Mr. Stratton — the case of Donovan?

A. The Donovan that had the Strandway contract?

Q. No, he didn't, as I understand it. Do you know whether or not he bid for the contract in Franklin Park?

A. I don't recollect that case particularly.

Q. Well, how many cases in the course of the last two years do you recall where all the bids submitted have been rejected and readvertising took place?

A. I think there was one; I don't remember exactly which one it was.

Q. One, in the last two years?

A. No, I think there was more than one — may have been one or two, two or three.

Q. One or two or three within two years?

A. Yes, sir.

Q. Then this case I am suggesting would be an exceptional case, would it not?

A. Rather, yes.

Q. And you don't recall this particular case in which a firm named Donovan was interested?

A. I think I remember there was a case — I remember where the Donovans were bidders, yes.

Q. Mr. Putnam was assistant engineer in October of 1898, as you remember, was he not?

A. Yes.

Q. And it was about that time that you called for bids to build a building in Franklin Park?

A. I think about that time, yes.

Q. Now, do you at the present time, without referring to any of your books —

(The CHAIRMAN here suggested that it was difficult to hear the testimony, and the witness sat closer to the committee.)

Q. (By Mr. LUNDY.) Now, can you recall at this time, Mr. Clarke, whether all those bids, the original bids, were rejected?

A. I cannot say; no.

Q. You cannot recall that particular case?

A. No.

Q. Do you recall whether, in any case they rejected all the original bids?

A. I don't recall the particular case at present.

Q. I know, but you have testified, Mr. Clarke, that within two years you probably have not had more than two cases where you rejected the bids and readvertised?

A. Yes.

Q. Now, where you have only two cases within two years they must be more or less conspicuous. Cannot you recall what your general idea was in rejecting bids and readvertising?

A. Well, I should suppose there was no question but what it was for the interest of the department to do so.

Q. I don't question that, but I want to get the facts a little more specifically, in more detail. Cannot you suggest any reason why they should be rejected?

A. Not being the one who rejects them, I have no right to assign any reason.

Q. Well, you certainly have a right to an opinion, Mr. Clarke, on that subject, being familiar with the department since 1875.

A. I should not know what the reason was, perhaps, unless it was something that appeared of record.

Q. Well, you have heard Mr. Stratton say that they might reject bids because of collusion between the bidders, haven't you?

A. Yes.

Q. And do you know of any collusion occurring between bidders at any time since you have been connected with the Park Department?

A. I don't remember any.

Q. Well, what condition does that statement of Mr. Stratton's suggest to your mind — collusion of bidders?

A. State that question again, please.

Q. (The stenographer repeated the question.)

A. Why, just what it expresses — collusion of bidders.

Q. That might mean many different things, Mr. Clarke.

A. The condition, you ask. What condition?

Q. What condition does it suggest to you?

A. Well, just the condition expressed there, that there must be collusion between bidders.

Q. Now, you have been connected with the department since 1875?

A. Yes.

Q. And during that time, as secretary, Mr. Clarke, or in some capacity, you have handled a great many bids which have been submitted?

A. Yes, sir.

Q. Have you known directly where a bid or set of bids has been rejected because of collusion between a bidder and some other bidder?

A. I cannot say that I do recollect it now.

Q. You think there were such cases?

A. Possibly there may have been. I don't know.

Q. Understand, I am not asking you to recall an individual case, but do you know of any cases in your time?

A. I don't remember any.

Q. Well, can you conceive how there could be collusion between bidders, Mr. Clarke?

A. I don't see wherein it would help a bidder at all to make an agreement with another. If they put in separate bids, it doesn't seem to me it would be of any advantage to two bidders getting together on a thing.

Q. Then you don't consider that the idea of collusion is anything very probable, do you?

A. I do not, no.

Q. And you don't think it likely that you ever had to re-advertise because there had been collusion on the part of the original bidders, do you?

A. I don't remember any case just now.

Q. I know, but I have just asked this question; you don't think it at all probable that they could have been rejected because of collusion?

A. I don't think they were, no.

Q. And upon this particular case you would not know, without looking at your books, anything about these bids?

A. No, I should have to look the bids up in order to refresh my memory.

Q. Well, have you in your books a record of original bids made?

A. We have, yes, sir.

Q. That is, if twenty bids are made you keep a record of those bids, whether you reject the bids or not?

A. Yes, sir; they go into the records of the meetings.

Q. Now, all of these bids are considered secret, even after they have been rejected?

A. Well, they are on the files of the office. They are not secret.

Q. Well, who has access to the files?

A. Open to anybody who desires to know what they are.

Q. Anybody can look at those bids?

A. Yes, sir; I should say so.

Q. Does that policy differ any when you have rejected all bids and asked for new bids?

A. No.

Q. Doesn't differ?

A. No, sir.

Q. It is a part of the records?

A. Yes, sir.

Q. Then any man could go in and look at the bids of another man?

A. He could, yes, sir.

Q. Do you know whether or not bids have been rejected to give others an opportunity to bid?

A. No. I haven't heard of anybody coming in to look at the bids. Whenever bids are opened they are usually published in the daily papers.

Q. And that is the policy, whether you reject them or not?

A. Yes.

Mr. LUNDY. — That is all at present, Mr. Clarke. I shall reserve the right to call you later.

Q. (By Alderman GERRY.) I would like to ask in regard to Mr. Costello. I don't know the gentleman, but is it correct, as I believe I have seen in a paper that this is the Mr. Costello who had something to do with the land taken for the Austin Farm?

A. Yes, sir.

Q. He is in this public land business, is he?

A. I think he is in the real estate business; yes, sir.

Q. Ex-Election Commissioner — and he is in this sort of business, is he?

A. He was Election Commissioner.

Q. He was?

A. Yes, sir; he was.

Q. As I understood, that piece of land over there in Dorchester was owned — the part of it that is in contention was owned — by Mr. Costello, was it?

A. This land in the Ashmont playground was owned by Mr. Costello, yes.

Alderman GERRY. — Yes. That is all.

Q. (By the CHAIRMAN.) One question — Have you a boy working in your office by the name of Maguire?

A. No, I believe not.

Q. Ever have one there?

A. Yes.

Q. What has become of him?

A. He is not working with us.

Q. Was he discharged, or did he leave?

A. I understood that he left, yes.

Q. He left of his own accord — do I understand that?

A. The superintendent could answer that question.

Q. Don't you know that?

A. I know that he was there, yes.

Q. Can't you tell whether he was discharged or left of his own accord?

A. Well, he was — I suppose he was discharged. That is to say —

Q. Well, don't you know whether or not he was discharged or left?

A. Of course, I can't tell what the superintendent did in reference to this boy. I only know he is not there now.

Q. Do you mean to tell me that you, the secretary for twenty-five years, don't know what has occurred in that office?

A. I do know that this boy was either discharged or left.

Q. Well, don't you know as a positive fact whether he was discharged or left of his own accord?

A. I cannot tell, without looking at the records, whether he was discharged or not.

Q. Well, I suppose you will have to get the records here to find out whether you know anything at all about the place. The next witness.

TESTIMONY OF WILLIAM R. JEFFERY.

Q. (By Mr. LUNDY.) Mr. Jeffery, what is your full name?

A. William R. Jeffery.

Q. And you are a resident of the city of Boston?

A. I am.

Q. Where do you live?

A. Ten Custer street, Jamaica Plain.

Q. And you have been employed in the Park Department?

A. Yes, sir.

Q. When did you go to work in the Park Department?

A. The spring of 1872.

Q. And whether or not, Mr. Jeffery, you have been employed in the Park Department continuously ever since?

A. With the exception of a very short time, when the park business was all shut down for lack of funds.

Q. Are you at present in the employ of the Park Department?

A. No, sir.

Q. When did you leave the service of the Park Commissioners?

A. I think it was the 10th of February.

Q. For what reason?

A. I couldn't say. I was suspended.

Q. Was any reason assigned to you for your suspension?

A. No, sir.

Q. Did you take the trouble to inquire?

A. No, sir.

Q. What work were you engaged in doing in the spring of '98?

A. I was working at the Back Bay Park. I will modify my last answer previous; I was given a reason, I forgot to say.

Q. What was that reason?

A. I was suspended a week for going into a shanty and hanging up my coat, and after I protested and said that that was no reason for suspending me, I was told that I had been seen talking with two men, laborers. One of them came over there that day to work.

Q. Who assigned that reason?

A. Mr. Shea.

Q. That is James B. Shea, the sub-foreman?

A. Yes, sir.

Q. Under whose direction were you working at Franklin Park in the spring of '98?

A. Mr. Shea's. Mr. Pettigrew assigned me particularly to Mr. Shea's charge.

Q. Mr. Pettigrew assigned you directly?

A. Yes, sir.

Q. What was your line of work at that time, at that place?

A. As near as I can remember, I was getting rid of some ballast stone that was there, sending some of it on a road near Forest Hills station, between Forest Hills street and Forest Hills station.

Q. And what is ballast stone?

A. Well, it is stone that had been blasted out of the place called the "Greeting" for sub-grading the Greeting, and the stone was supposed to be set up as ballast about eight or nine inches high, in building a telford road. The smaller stone was spread about, filling the holes there to level it up for loam.

Q. You were engaged there in building a road?

A. No, sir; I had nothing to do with the building of the road.

Q. The road being built there at that time?

A. No, sir. I was sending the stone to a man who was building the road, below.

Q. And who was that?

A. I couldn't say, sir, — yes, I think I recall now; I think it was Moses Coulter.

Q. How long were you there?

A. Well, I think until in June, about in that vicinity, — not at that particular kind of work.

Q. When was it you were at the Back Bay Fens?

A. Well, during all the time, more or less, that I had been employed, since from 1882 to February of 1897.

Q. Well, were you present, working in the Back Bay Fens, when there was a destruction of any trees, — in 1897, for instance?

A. Yes; I think I was.

Q. Well?

A. I was; I think it was in February — I won't say for a certainty. It may have been later.

Q. Of 1897?

A. Yes, sir.

Q. And you were doing what there, then?

A. Well, I was chopping out trees and shrubs.

Q. Were you boss of a gang?

A. Yes, sir; foreman, acting foreman.

Q. And under whose orders were you working?

A. Mr. Pettigrew's.

Q. And did Mr. Pettigrew give you orders to cut certain trees?

A. Yes, sir.

Q. Now, about how many trees, well developed trees, did you cut at that time, in the Back Bay Fens?

A. Well, I cannot give a very close figure, but quite a large number. I had a gang of men — I can't recall just how many men, but I presume nearly a dozen, working there.

Q. Now, about the trees — you cannot recall the number of trees?

A. Well, I can remember that I cut out quite a lot of pines for instance.

Q. And pines of what description?

A. Well, I think Mr. Pettigrew called them Scotch pines, and there was a pine resembling a white pine. I am not very much up in that, but I think it was a white pine.

Q. Well, do you remember whether or not it was a tree of any value?

A. Well, the citizens there thought so — so much so that they protested against it.

Q. Well, do you know anything about it yourself?

A. Well, yes. I should think that it was of value. It was an evergreen tree.

Q. Were these trees in a good state of development?

A. Yes, sir, about ten years' growth, I think, since being planted — eight or ten.

Q. Now, who made any protest?

A. Well, Mr. Ford, who lived right within a few feet of them.

Q. What Ford was that?

A. Mr. Ford, formerly the owner and editor of the Youth's Companion.

Q. At present dead?

A. Yes, sir.

Q. Well, did his protest assume any form?

A. Well, he complained to the men and to me.

Q. And what did you tell him?

A. I told him I would speak to Mr. Pettigrew about it.

Q. Did you speak to Mr. Pettigrew?

A. I did.

Q. And what did he say?

A. Well, he told me to cut them down just as G — quick as I could and to burn them up.

Q. Had you any means of knowing, Mr. Jeffery, why these trees were being removed?

A. No, sir.

Q. That is, do you know whether or not it was in sympathy with any scheme of landscape gardening that they were being removed?

A. Well, I presume it was, but I didn't understand it.

Q. Well, about that time of the year you cut trees, anyway, don't you?

A. Well, not in a plantation of that kind, where it has been established only a few years.

Q. But that is the time of the year that you do the most trimming, as it is called?

A. Oh, yes.

Q. Now, did this come in the nature of trimming?

A. Oh, no, that was a total destruction.

Q. Where were you working in March of that year, if you recall, Mr. Jeffery?

A. Well, I can't remember the exact dates. When I was transferred, I think I was transferred in March, I think I was working in Franklin Park. I think I was transferred the latter part of February, as near as I can recollect.

Q. Whether or not you were working at the Circle in March?

A. At Audubon Circle? No, I wasn't — previous to that time I had been working at the Westland avenue entrance to the Fens, and I was transferred from the Fens to Franklin Park.

Q. And what did you do at the Audubon Circle?

A. I built some road there for Audubon Circle. I had been building it in the fall previous and finished it up along the latter part of winter or spring. I can't recall the exact time.

Q. Can you recall whether or not Mr. Pettigrew conducted that work directly?

A. Well, Mr. Pettigrew made some changes in it.

Q. Well, under whose plans did you build that road?

A. Well, I started to build it under Mr. Olmstead's plans, I supposed they were. I was building it under Mr. Howe's direction.

Q. And what Howe was that?

A. Mr. E. W. Howe, who had been engineer in charge of the parks.

Q. And did Mr. Pettigrew interfere with that work at all?

A. Well, Mr. Putnam was acting superintendent there, and we carried on the work, the latter part of the work, when the weather would permit, under Mr. Putnam, and Mr. Pettigrew came and he ordered us to stop breaking back the top, as we had been instructed previously for years to do.

Q. And what does that mean — breaking back the top?

A. Well, setting up stone for telford. The stone is set up on one edge, and on the other end the points project, some higher than others, and we break them off to somewhat of a uniform surface, and chink in between the stones.

Q. And what is the object of that?

A. It gives somewhere near a uniform surface of cracked stone, and then you put in the ballast with a heavy roller.

Q. And is that necessary, in your opinion, to good road building?

A. Well, yes; it is according to the teachings of telford and according to my past experience for years.

Q. And did Mr. Pettigrew say to you why he wanted you to alter this system, or rather do it differently?

A. Oh, he said it was taking too much pains with it and was too expensive; said he was going to build it cheaper.

Q. Did he put the same material into the stretch of road that was built under his direction that was placed in the road built under the old plans?

A. Well, no. He told us not to be particular, to throw the ballast in faster, and so we did; and he also told us he would cover up the stone with some coarse bank gravel, so that the roller could go right on and roll it without filling the indentations and levelling it around the top at all.

Q. Did you complete the road at that time?

A. Well, I did and I didn't.

Q. I mean, did you stop working there?

A. I completed it so that he said it was good enough.

Q. That is, the work was finished — whether it as complete or not it was finished?

A. Yes, sir.

Q. How great a stretch of road was built under Mr. Pettigrew's direction?

A. In that particular place?

Q. Yes, referring to this road?

A. Well, I can't remember. I should say 500 or 600 feet, might have been more, and 50 feet wide.

Q. Did that space of road appear different from the other stretch of road, the stretch built under the old system?

A. Well, with the material which we used to bind it up we couldn't bring it to any such surface as that which we had always built on roads.

Q. Have you seen that road recently?

A. No, sir; I have never seen it since I left there.

Q. And you don't know whether or not that section of the road is not as good as the other?

A. No, sir; I don't. I can simply say that I felt that it couldn't be, because it wasn't done in a workmanlike manner.

Q. Well, you didn't notice any difference at that time?

A. I was transferred away too soon to have a chance to do that.

Q. Who was Mr. Cook?

A. Mr. Cook was the resident engineer previous to Mr. Pettigrew's administration.

Q. Can you say, Mr. Jeffery, who supplied the material for that telford road?

A. Well, I think the most of it was bought from contractors.

Q. Well, do you know any of the contractors?

A. Well, I think Mr. William Finneran and Mr. Coleman and Son furnished most of the ballast, as I remember it, and I am impressed that Mr. Coleman sold the cracked stone — I am not sure, but I think he did — to the Park Department.

Q. Why do you think that?

A. Well, as I remember it. I think we got some stone, anyway, from the contractors.

Q. Now, the latter part of your work on the road was carried on with different material, as you have said?

A. Yes, sir.

Q. Did you work with the material furnished for the telford road as long as that lasted?

A. Well, I had enough material for the ballast, if that is what you refer to.

Q. Yes. Well, you would have had sufficient of the proper material to construct a telford road? You had sufficient to construct the entire road?

A. Well, I did in a way.

Q. What do you mean by "in a way"?

A. Well, I put in less ballast and threw it in more carelessly, of course — had to do it, in order to hurry the job along and finish it in a cheaper way.

Q. Well, do you know of any object, any reason for hurrying that job?

A. Well, no, only Mr. Pettigrew thought it would cost too much to build it in the way we were building it.

Q. Well, why?

A. Well, he didn't say — I presume that is what he referred to.

Q. Now, Mr. Jeffery, as far as you know, how much cheaper actually was it to build the road in that way than in the way in which you were proceeding originally?

A. Well, of course, I hadn't figured on it, Mr. Attorney, but I don't know that it was any cheaper, because there was a great amount of gravel put on there, and, of course, I don't know what they paid for the gravel, but I think they hauled it there themselves. I am not sure about that.

Q. Think who hauled it there?

A. The Park Department. Mr. Pettigrew or Mr. Shea ordered it hauled there, I think.

Q. Then, to your personal knowledge, there are at least two different sections of that road constructed differently?

A. Yes, sir.

Q. And in your opinion it was no more economical to the city?

A. I should say not, in the end — I should say less so.

Q. What have you to say as to the probability of such a road cracking?

A. Well, of course, it wouldn't crack only in settlement, but the frost getting into the material, which would hold the water, might affect it so that there wouldn't be a bond there in the spring or the winter.

Q. The bond is the part which makes the surface, making a good, hard road?

A. Yes, sir; a good, hard surface.

Q. It is possible to build the road according to a different system?

A. Well, what I have referred to is the object of the telford system.

Q. How much cracked stone should it have had on it?

A. About three inches.

Q. How much, as a matter of fact, did it have?

A. Sometimes an inch and a half, sometimes two, sometimes more.

Q. Why didn't it have more?

A. Because it couldn't, with that way of doing it. It was uneven — the ballast in some places was higher than in others, because it hadn't been broken back.

Q. You don't know whether or not there has been time enough elapse to enable anybody to determine whether there are defects in that road resulting from that?

A. Yes, there has been plenty of time.

Q. Then, you think if any defects would result from such a system they would appear now?

A. I should think they would have appeared before now — might have been repaired since.

Q. Where did you go after that, Mr. Jeffery?

A. I went to Franklin Park.

Q. What doing?

A. Getting rid of a pile of ballast stone and levelling up the old sub-grading of the "Greeting," as I remember it. It must have been early in the spring for there was much frost in the ballast, so that we had to pick it apart.

Q. How long were you engaged there on that job?

A. Well, I didn't leave there, I think until the latter part of June or the first of July, as I can remember it — that is, in that vicinity; but I wasn't working all the time on that particular kind of work.

Q. Well, state particularly what you did, what your line of work comprised?

A. Well, I got rid of a pile of stone and levelled up the sub-grading of the "Greeting," and then I received some loam.

Q. For what purpose did you receive the loam?

A. For grading and surfacing up in that vicinity.

Q. And who delivered that loam?

A. Oh, I couldn't tell, there were so very many contractors there.

Q. Well, name as many as you can recall who delivered loam to you at that time?

A. Well, there was Carlan, as we used to call him,—Carlahan or Carlan. He was one, and Hasty was another, and Coleman and Dolan were others.

Q. What is Mr. Dolan's first name?

A. Well, it was he and his sons. James Dolan is his name, and his sons' names are Thomas and William. I don't know just who had charge of it directly.

Q. Who receipted for loam received there?

A. Peter Dolan, as I remember.

Q. Was Peter Dolan the man who was supposed to receipt for it?

A. Yes.

Q. How was the loam measured there?

A. Well, Mr. Dolan, when he received a cart, measured the area of the cart and figured it out in cubic measure, and numbered the cart, and sometimes, if he thought there would be confusion in any way, he put the owner's initials on the team, but it was very seldom that he had to do that, as he knew all of them.

Q. Well, you personally saw Mr. Dolan measuring these teams?

A. Yes, sir.

Q. How much would one of those double teams contain? What should be the measurement?

A. Well, they average, they would hold—all of them would hold, I think, about two yards.

Q. Well, do you know that that is so?

A. Yes, sir; because I have measured them myself.

Q. Was Dolan one of your own men?

A. Well, no, sir. He was sent there to do this work.

Q. And whether or not you regarded Mr. Dolan as a competent man?

A. Well, of course, I don't know what experience Mr. Dolan had had before. I think he did fairly well under the circumstances.

Q. As far as you know he did his work well?

A. Yes, sir.

Q. You personally didn't take any hand in measuring?

A. Well, I did before he came there. I measured a few carts — perhaps six or eight or seven.

Q. You couldn't recall whose carts they were?

A. Yes, sir; I think I do. One man in particular that I think I measured the carts for was Lynch — Mark Lynch, of Roxbury.

Q. He is a contractor?

A. Yes, sir.

Q. Now, Mr. Jeffery, when you started in there about how many loads of loam would you receive?

A. I don't know — a very small amount, perhaps six or eight.

Q. Six or eight double team loads?

A. Yes, sir.

Q. And at two or three yards apiece that would be 15 to 20 yards of loam?

A. Yes, sir; more than that, because the carts I received were very large ones, and we dumped them near the street because they were very heavy loads.

Q. And did the number of loads of loam received by you there increase as time went on?

A. Yes, sir, up to 950, I should think, or over.

Q. Nine hundred and fifty double loads of loam per day?

A. Yes, sir.

Q. Did you have any hand in examining that loam as to quality?

A. Well, I had to the best I could, but as it came so fast in the latter part of it, of course I couldn't perhaps do as well as I would like to have done with it and look after the men. I had all the way from one or two teams pulling in up to as high, I think, as sixteen or seventeen teams.

Q. You wouldn't have any difficulty, would you, in finding what contractor delivered a certain load of loam?

A. No, unless it got back of me when I was calling in teams and dumped without my seeing it.

Q. Well, while it was on the team you could tell what contractor delivered it?

A. Yes, sir.

Q. Did you find any fault at any time with the quality of loam delivered there?

A. Oh, yes.

Q. How often?

A. I couldn't say when, but quite a number of times I sent loam back.

Q. Did you speak of the quality of the loam furnished by any contractor to Mr. Pettigrew?

A. Well, yes, I think I did.

Q. Well, how many times?

A. Well, several times.

Q. Take one time — what did Mr. Pettigrew say to you when you complained of the quality of the loam?

A. Well, I think as a rule he would tell me to send it back. Sometimes he may have told me it was good enough.

Q. Never mind what he may have told you, Mr. Jeffery, what I want you to state is some particular instance — say the first instance when you complained to Mr. Pettigrew, what did he say about the loam and about taking it?

A. Well, he told me not to take that loam, as I remember it.

Q. Well, did you take it?

A. No, sir; I sent it back. I sent eight loads of it back, I think.

Q. Well, do you know of any loam that Mr. Pettigrew ever accepted under protest — not under protest, but accepted with the provision that you would take no more in the same condition?

A. Well, I can't seem to remember about that for a certainty.

Q. You don't know anything about that?

A. Mr. Dolan and Mr. Shea talked with him quite a number of times about the quality of loam, and Mr. Dolan may have said something, but I can't remember.

Q. Well, anything you heard yourself, Mr. Jeffery?

A. Yes, I heard him make complaint to Mr. Pettigrew and Mr. Shea.

Q. Mr. Dolan?

A. Yes, sir.

Q. And did you hear any reply that Mr. Pettigrew and Mr. Shea made to Mr. Dolan on this complaint?

A. Yes, I remember one time he told him not to give him a ticket for it, and another time he told him it was good enough.

Q. Have you any means of knowing whether or not the loam he rejected was any different in quality from that he accepted?

A. Well, they, of course, got all the loam they could from the land, and probably got down into the subsoil.

Q. Who did?

A. The contractors, whoever they might have been. Sometimes they might have gone clear through the loam, as they did.

Q. Did you dispose of this loam as it arrived on the ground there?

A. Well, the best I could. Where there was a large number of teams all I could do was to knock the tops off the loads. I didn't have men enough to level it.

Q. But you saw what was done with this loam?

A. Yes, sir, spread over the grading and also over other land, to increase the depth, in many places, and put in some places where we had irregularities, — for instance, where there had been a bank blasted down square and we had to slope it off.

Q. Well, do you recall any particular spots at this time where you had to lay the loam, to increase the depth?

A. Well, yes. We had a pile of loam which was piled there, and we spread that on in some places, anywheres from two feet up — anywheres, I should say, from a foot up to three or more feet, according to the place we had to grade up, and we also used some that we bought in that way on either side of the grading, and in one place where there had been a house taken away, we raked the banks down some and the cellar walls or foundations, and filled the cellar up with loam.

Q. Well, the original purpose for which you got this loam was for the grading, was it not?

A. Yes, for grading and filling — principally for grading and surfacing up — surfacing up is what I should say, I presume.

Q. Now, to be brief on this point, was the loam in all cases applied to the purpose for which you received it?

A. Well, I said to Mr. Pettigrew and Mr. Shea two or three times, "Wouldn't it be better to buy filling?" They said to me they couldn't bother with filling, they were then getting the loam so cheap, and to grade right up with it, and I did so.

Q. How cheaply were they getting the loam at that time, if you know?

A. I think they told me they were paying 66⅔ cents a cubic yard.

Q. Do you know of your own knowledge whether they could have got it at that time much more cheaply than 66⅔ cents?

A. I don't think they could.

Q. And in your opinion what could they have gotten ordinary filling for at that time — well, good filling?

A. Well, in that vicinity I should think they could have gotten it for 25 cents a yard, probably.

Q. And you say this loam was thrown in and used in many instances purely for the purpose of filling?

A. Well, filling up to grade, some regular grade, for a finish for the parks.

Q. Where ordinary filling would have gone?

A. Well, yes.

Q. Did you notice any waste there, aside from using loam for filling?

A. Well, we wasted a pile of loam which had been piled there, taken off from the grading.

Q. How did you waste that?

A. Spreading it over the land.

Q. Didn't you have some object in spreading it over the land?

A. I suppose Mr. Pettigrew wanted to make the loam deeper.

Q. That was his idea? He was the man who directed the spreading of the loam over the land, was he?

A. He and Shea together. I got the orders from Shea. At the same time Mr. Pettigrew spoke to me.

Q. Well, you got your orders from what you considered to be the representatives of the administration?

A. Yes, sir.

Q. Now, in your opinion, Mr. Jeffery, could that waste of loam — I am referring now to the pure waste — be avoided?

A. Well, I presume that loam could have been taken and spread on the grading, to have grown grass, but as Mr. Pettigrew wanted to make it deeper it was spread over the land where there was already loam.

Q. Now, about the building of roads at that place — was there any road building going on at that time?

A. No, sir.

The CHAIRMAN. — Mr. Counsel, are you through with that particular subject you were on then?

Mr. LUNDY. — I am not through with this particular section.

The CHAIRMAN. — I was going to say that, before you commenced a new subject, we might adjourn for lunch — if you were going to start something new.

Mr. LUNDY. — Well, I may be some little time on this — sort of blending the old subject with a new one. I will be some little time on this line.

The CHAIRMAN. — The hearing will stand adjourned to half past seven o'clock,

The Committee took a recess from 6 P.M. to 7.30 P.M.

EVENING SESSION.

The hearing was resumed at 7.30 o'clock P.M., Chairman NORRIS presiding.

The CHAIRMAN. — The Committee will come to order, and the counsel will proceed.

TESTIMONY OF WILLIAM R. JEFFERY. — *Continued.*

Q. (By Mr. LUNDY.) Now, in regard to the delivery of loam in Franklin Park, Mr. Jeffery, did the work seem to be evenly divided between the different contractors?

A. No; there was a great many contractors had more teams than others. That is to say, there was some contractors had more than others. There was a great difference about that; and some had short hauls, where they got a great many loads.

Q. Who seemed to be doing the greater part of the business there?

A. Mr. Hasty, and Coleman, and Dolan, and some of the others that got the loam right close to the park.

Q. You knew where some of them were getting the loam, did you?

A. Yes, sir. They brought in, I guess, as high as twenty-one or twenty-two loads of loam to a team; that is, those that got it near by, those who got it at the same place where Hasty did — I forget the name of the owner of the land.

Q. Now, where did you go after leaving that section?

A. I went over to loading stone and spreading loam on the Pierce farm, a little nearer to Seaver street.

Q. And you worked there, for how long?

A. A number of weeks; I cannot tell exactly how long.

Q. And the loam was delivered there in the same manner?

A. Well, no, sir; I was loading stone a good part of the time, and Peter Dolan received it.

Q. Received the stone?

A. No, the loam. I don't know where the stone went now.

Q. Well, do you know anything about the receiving of the loam at that point?

A. Well, Peter Dolan received the loam, and I afterwards spread it.

Q. You afterwards spread it?

A. Yes, sir.

Q. Now, over what area did you spread that loam?

A. I should think probably about four acres.

Q. And to what depth did you spread the loam there?

A. Well from 10 inches up to about 4 or 5 feet in depth, according to where it was. There were two cellars I filled up there, and I put in a lot of loam there, and graded up with it. I graded up the slope where the old Pierce barn used to stand.

Q. You mean to say that you in some places spread loam to the depth of four feet?

A. Yes, sir.

Q. For what purpose?

A. For filling in the low places.

Q. And that was done under the instructions of whom?

A. Well, the assistant superintendent, the general foreman — Shea — or Mr. Pettigrew. I cannot remember exactly — I think Mr. Shea.

Q. That was merely for the filling of the holes?

A. Yes, sir — well, grading off slopes.

Q. Well, as to the filling of the holes?

A. I filled in the old road that run around the Pierce house.

Q. With loam?

A. Yes, sir. I should say about 3 feet deep, it was cut away.

Q. (By the CHAIRMAN.) Pardon me — whose house was that?

A. The Pierce place, where the Pierce milk farm used to be, near Seaver street.

Q. (By Mr. LUNDY.) Well, was there no filling available other than loam?

A. Why, they could have bought any amount of it, of course.

Q. There was any amount of it bought?

A. No, sir; there was not any bought — could be, I said.

Q. Did you ever comment upon that system of filling holes with loam?

A. Yes, sir; I spoke to Mr. Shea about it there in that place.

Q. And what did he say?

A. Well, he said that loam was coming fast, and that he couldn't bother to buy filling — that they were getting loam cheap, and to fill it right in.

Q. Now, did you ever have anything to say about the supply of loam?

A. You mean quality, or what?

Q. I mean, did you call for loam on a certain job?

A. No, I had nothing to do with that.

Q. All you had to do was to work with the materials that were furnished you?

A. Yes, sir.

Q. How much loam did you use in that way, filling in holes four feet deep?

A. I cannot tell, but a good many thousand loads.

Q. And what did you cover it with? What was the surface?

A. I don't know, to say exactly. The grading of some of the surrounding hills —

Q. No; I mean did you bring the loam to the surface? In other words, does the loam form the surface?

A. Yes, sir; I graded up with it to something of a uniform grade.

Q. Well, what did you have to do with the stone there?

A. I was loading the stone, to get rid of the ballast that had been piled up — to send it away, so that some time they might cultivate the land there, I presume.

Q. Well, what had that stone been put there for?

A. Well, Mr. Howe, I understood, had it piled there to save for ballast for grading, when roads were built, afterwards.

Q. You say you don't know where that stone was taken to after you had loaded it?

A. No, sir; I don't.

Q. Did you know of any stone that was sent away that was taken to the Arbor road to build the traffic-way?

A. Yes, sir. The first stone I loaded went down there. There was about, I think, 80 or 90 loads of it went down there — the first that I loaded when I went over in that vicinity.

Q. And you were levelling the small stone in a hole there?

A. Yes, sir; in sort of holes that were caused by blasting in the rock. There was a piece where the roadway was to be cut through, and it was blasted through solid rock and hadn't ever been levelled up, and stone was piled there in piles, so that when the heavy ballast was taken away there were a great many holes to be levelled up before the loam was put in there for the grass, at the grading which they afterwards grassed over.

Q. Well, did you consider, as a practical workman, Mr. Jeffery, that that was the proper use to put that stone to?

A. Well, I had always been taught to save all I could of it, of course, for roads. It was nice stone.

Q. And there you weren't doing that?

A. No, sir; they were not.

Q. And in your opinion that was a practical waste?

A. Well, yes; it certainly was. There was a good deal of stone used where filling would do.

Q. Did Mr. Shea have charge of that work?

A. Yes, sir.

Q. Did he personally come around there to see that it was being done in a manner satisfactory to him?

A. Yes, sir.

Q. Where did you go then?

A. Well, I worked around there, I think, until somewhere about July, and I then afterwards shifted down to receive some loam on a little hill in Abbott's woods.

Q. And was there anything unusual there?

A. No, sir; nothing more than that the loam was piled in right over the natural loam and the grass which was there, and in over the tree roots and woods to the depth of about a foot.

Q. Well, in your opinion, how should it have been piled in?

A. Well, I should not have piled it in there at all, if it was me, of course.

Q. You shouldn't have at all?

A. No, sir.

Q. Do you know under whose direct orders it was piled there?

A. I presume Mr. Pettigrew's, the superintendent.

Q. Who was the man in charge of the loam books at that time?

A. Mr. Dolan — Peter Dolan.

Q. The same Peter Dolan?

A. Yes, sir.

Q. And he was the only one you know of who gave receipts for loam?

A. Well, with the exception of a very few that I gave before he came there.

Q. And you say that, so far as you know, it was properly measured — so far as it came under your observation?

A. Well, of course the area of the carts was taken, and afterwards they were supposed to be held up to a certain height — the height of the side-board. Of course we couldn't measure each cart. They came altogether too fast. We had Peter Dolan to tally, but we also had tally boys to tally, outside of him, so as not to make any mistake in the number received.

Q. Now, all the work you have been doing in the parks you understood to be under the supervision, generally, of Mr. Pettigrew?

A. Yes, sir.

Q. And had you at any time any conversation with Mr. Pettigrew as to the work?

A. Oh, frequently had a few words with him about it.

Q. What appeared to be his policy as to following out any line of work?

Mr. MATTHEWS. — Pardon me. I haven't objected yet, but I will ask Brother Lundy if he doesn't think that is a little broad? It seems to me that to ask the witness what "appeared" to be his line of policy is a very broad question. He has a perfect right to ask him what Mr. Pettigrew said to him or what Mr. Pettigrew did, but not what "appeared" to be his policy.

Mr. LUNDY. — Well, that would be a little wrong, but I will put it this way.

Q. (By Mr. LUNDY.) I ask you, as a practical workman on road building, what your idea of Mr. Pettigrew's work was — his system?

Mr. MATTHEWS. — That is all right.

A. Well, I wasn't building road at this time. Are you going to lead me from that to some other work?

Q. No; I ask you this question as a practical workman on road building. I refer to this work that you have done in the park. Now, I ask you, what was your opinion of his system?

A. Well, it was very poor. I don't think there was any system to it.

Q. Now, will you instance briefly some point in which his system was not good?

A. Well, in the building of the roads on Peter's Hill.

Q. Well, in this work that you have just gone over?

A. Well, I wasn't building roads there.

Mr. MATTHEWS. — Where was that?

Mr. LUNDY. — Oh, on the road building he went back to Peter's Hill.

Mr. MATTHEWS. — I thought you asked him just now about this work in the park?

Mr. LUNDY. — Yes.

Mr. MATTHEWS. — Well, but where was that?

Mr. LUNDY. — This was in Franklin Park.

Q. (By Mr. LUNDY.) Go on.

A. Well, in Franklin Park, after I got through spreading the loam at Pierce's Farm — the loam and stuff that came there, such as it was — I was transferred over to Peter's Hill. The loam which was at Pierce Farm was rather a poor quality. I should say that the ground must have been dug down very deep and a good deal of sand and sub-soil

mixed into it. I objected strongly to it, and spoke to Mr. Pettigrew and Mr. Shea at the time I was spreading it; but as I was not down there at the time it was dumped in, I hadn't any chance at it — particularly around the roadway which led in from the street to the Pierce house.

Q. (By Mr. MATTHEWS.) This is right at the Pierce house?

A. Well, the road that led in was a driveway, and it was dumped in there.

Q. (By Mr. LUNDY.) Now, Mr. Jeffery, you have in the Park Department a check system upon the delivery of loam?

A. Yes, sir.

Q. Now, will you explain briefly, as you understand it, what that check system is?

A. Well, there is a check book, with two checks of equal size. The date is given at the head, the contractor's name next, and what is delivered, and the number of the team, and the amount which the team contained, and the signing of the receiver's name on each one of those checks. There are two on each leaf.

Q. Who should properly have those books?

A. Well, I suppose the regular surveyor and receiver of loam should have them.

Q. Well, do you mean to say that any man delegated for the work of receiving of loam may have those books?

A. Well, yes. They do have them, anyway — any one that receives loam. It might be a water-boy, and it might be a man, and it might be a foreman.

Q. Well, in this instance Mr. Dolan was the man?

A. Well, Mr. Dolan signed all the checks except a few that I understood he allowed his name to be signed to by the boys —

Q. Well, never mind — just what you know.

A. Yes.

Q. Did you understand whether the price paid per cubic yard for loam there was paid for the loam per yard delivered?

A. Well, yes, sir.

Q. Well, will you state, as far as it came within your observation, whose teams drew that loam?

A. Well, a contractor's teams drew it there, but of course we had to have teams to help get it in. The weather was wet, and the loam was so deep on the ground that the carts cut clear in to the axles, and it was an utter impossibility for a team that brought two yards of loam to get on to the ground with the loam. We put on two horses, and sometimes four horses, to help haul the load of loam.

Q. Otherwise it would not have been possible for the contractor's teams to get the stuff in there?

A. No, sir.

Q. Now, come to Peter's Hill. Did you do any work on the grounds of the Arboretum there?

A. Yes, sir.

Q. On the grounds of the Arboretum proper?

A. Yes, sir; well, I don't know as that is on the Arboretum — I won't say. I know it is the part that is added to the Arboretum, and they call it Peter's Hill. We started in at Peter's Hill to waste a large bank of gravel first.

Q. To what? To waste it?

A. Yes, sir; to get rid of it; to use it as filling, or any other purpose that the Park Department might put it to. It was a natural bank, as it laid there.

Q. Now, while out there in either of the places we have mentioned last, have you seen the Commissioners personally inspecting the work?

A. No, sir.

Q. Did you ever see Mr. Stratton out there?

A. No, sir.

Q. Did you ever see Professor Sargent?

A. No, sir; I think never. Well, I may have seen — I think I saw him once this fall at Franklin Park, near the stables.

Q. Did you do anything on Parkman road?

A. No, I didn't have anything to do with Parkman road.

Q. Now, Mr. Jeffery, to come back to the Back Bay Fens, did you take any part there in the destruction of any shrubs and trees?

A. Yes, sir.

Q. Well, to what extent?

A. Well, I cut down a large number of shrubs on either side of Westland avenue entrance — at the entrance to the park from Westland avenue — and I had large fires going for a number of days, burning them up, near Parker street.

Q. Now, under whose instructions did you destroy the shrubs?

A. Mr. Pettigrew's.

Q. Did you understand why they were being destroyed?

A. He said he was going to make a change in the system of planting, and in the appearance of the grounds.

Q. How many different varieties should you say of shrubs and plants there were that you destroyed there?

A. Oh, perhaps a dozen different varieties.

Q. Any of them of value as plants?

A. Oh, yes; certainly. They were large shrubs, of course. They could not be transplanted, but they were very beautiful shrubs.

Q. Well developed?

A. In places they were very thick. I also mowed off lots of honeysuckle vines and trumpet vines, and other vines, and took them into the vacant lot and burned them.

Q. Was any protest made to you at the time you were carrying out that work?

A. Well, Mr. Ford and his daughter complained. They did not like to see it cut away.

Q. Well, some of it was cut away for the purpose of trimming, was it not?

A. Well, I don't know what it was cut away for, only Mr. Pettigrew said he was going to make a change in the appearance of the grounds — and he did make a great change, too.

Q. (By the CHAIRMAN.) For better or worse?

A. Well, it looked pretty bare there. It was in bad shape after we cut them away, I think.

Q. (By Mr. LUNDY.) Did you remain there long enough to know what was done after that?

A. No. sir; I was removed.

Q. Personally you don't know what was done?

A. No. Of course, there were other trees being destroyed by other foremen right near by, which I had occasion to see, and to see on the ground.

Q. Trees which you actually saw destroyed?

A. Yes, sir.

Q. And what particular specimens were they?

A. Well, there was a balm of Gilead grove which I saw chopped out.

Q. How much of a grove?

A. Well, it covered quite a space of land — the largest trees that there were on the Back Bay Fens.

Q. All good looking trees?

A. Yes, sir; I think all were good, healthy trees — some of them as large as 12 inches through at the butt, surely, and from that down to smaller sizes.

Q. Were there any other shrubs or trees that you personally saw destroyed on the Fens?

A. I don't remember that there were right there.

Q. Did you see any destruction of shrubbery or trees in Franklin Park?

A. Oh, I saw lots of trees and shrubs cut out, dug out, in Franklin Park, during the last two years.

Q. Well, here and there, or regularly, in a mass?

A. Well, some places regularly. For instance, along Canterbury street I saw a great many being grubbed right out this fall.

Q. What time of the year is it customary to trim among the shrubbery?

A. Well, I think in the winter and spring, — and some in the fall, perhaps.

Q. Now, Mr. Jeffery, at what time were you engaged in road building on Peter's Hill?

A. Well, I think in the late summer and fall of 1898.

Q. And just how much of a stretch of road did you have to build there?

A. Well, I should think it was a mile, in a way, around the hill there that I worked on.

Q. And your particular duty there was what?

A. Well, I went in there and sub-graded a little, and first placed the gravel for the gutters, as directed; and then a contractor came in and laid the gutters, and then I afterwards put in cracked stone on the ballast which had been previously laid there — some of it at the foot of the hill; and, of course, after the gutters were run along for some way ahead, then the cracked stone came in, and we surfaced up the surface with it.

Q. This was all according to plan, was it?

A. Well, I don't know as there was any plan there on it.

Q. Well, under the direction of whom did you build it this way?

A. Mr. Shea.

Q. Now, whether or not they permitted you to build that work without suggesting changes or commanding changes?

A. Oh, no; they made many changes. They changed the grades up and down sometimes as much as four inches in fifty feet.

Q. Changed the grade?

A. Yes; and they removed some of the paving to get them down. He said it was going to take, the way the engineer had laid it out, too much cracked stone, and they changed quite a lot of it, marking the grades up and down; and then afterwards they sent the engineers there, and they went over the same ground and changed all the grades again, and did some of the work over again.

Q. You say they changed the grades as many as how many times within fifty feet?

A. I said they changed it as much as four inches sometimes, up and down — marked it up or down.

Q. Did Mr. Pettigrew direct any of those changes?

A. Yes, sir; he and Mr. Shea did a good deal of it.

Q. Did you see Mr. Stratton there at all?

A. No, sir.

Q. Did Mr. Shea and Mr. Pettigrew conflict at all on the ideas of that road that you know of?

A. I couldn't say. They talked a good deal together, and changed it a good many times up and down, in the way of grades.

Q. Did Mr. Shea ever change an idea given you by Mr. Pettigrew?

A. Well, yes, I think he did.

Q. Did Mr. Pettigrew make you undo anything that Mr. Shea had told you to do?

A. Yes, sir. And he had found fault with it being done in that way.

Q. Now, Mr. Pettigrew you regarded as the superior officer?

A. Yes, sir; although, when he sent me to Franklin Park, he said I would be under Mr. Shea's orders and direction, and take my orders from Mr. Shea. Still, of course, he was superintendent.

Q. Now, was there any difficulty which arose there in regard to the laying out of the gutters?

A. Well, they undertook to lay the gutters on top of the rubble which had been put in previously, and they did not have room to get in bed gravel under them, and they couldn't make them come right, and so they had to dig them out. I had dug about 150 feet on the side of the drive at the foot of the hill, and they told me I had done wrong. Still, when they came to finish it, they had to take it out, so as to get the paving down to where they wanted it, so as not to require too much cracked stone. I dug it out. The ballast had previously been put in. It had been teamed over in the spring of the year and the summer, when it was wet, and the clay which was in the bed of the road, or in the sub-grading of the road, had worked right out amongst the ballast, and we had a pretty hard surface. And still we put on more gravel and rolled it with a steam roller, and afterwards undertook to build another road on top of that of cracked stone and gravel.

Q. Now, in reference to the ballast under the gutters — is that the usual custom?

A. No, sir.

Q. Did you ever know of its being done before Mr. Pettigrew did it there?

A. No, sir.

Q. And otherwise, how were the gutters when completed?

A. Well, they were narrow.

Q. Sufficient depth to them?

A. No, they didn't have depth enough to carry the water from that hill. They should have been wider and deeper, in order to take care of the water.

Q. Do you know whether or not since then they have been widened?

A. I know the water has washed inside and outside of them since.

Q. What was there off about the gutters on the slope there?

A. Sir?

Q. What was there off about the gutters on the steep slope?

A. Well, they should have been three feet wide, I should say, and they should have had at least three inches ditch, to carry the water around that steep hill, as the water had a large amount of area to fall on and run off across the road. Of course that would naturally wash the road, more or less.

Q. Now, did Mr. Putnam, the engineer, take any part on the work on that road?

A. Yes, sir. He came there and made corrections after Mr. Pettigrew and Mr. Shea had changed the work.

Q. Mr. Putnam ordered changes?

A. Yes, sir.

Q. How many changes did he order?

A. Well, he ordered some changes after the grade had been changed, and afterwards sent Mr. Murphy, the engineer, to change them again.

Q. And that necessitated some considerable labor to adopt those changes?

A. Yes. In some places we had too much ballast, and in some places we didn't have anywhere near enough, and we had to go deeper with the cracked stone.

Q. So that on that road at Peter's hill you had practically at one time four different engineers and bosses interfering with one another's plans?

A. Well, of course, Mr. Pettigrew and Mr. Shea were in charge of the work, and they undertook to improve on the engineering of the engineers.

Q. And also on one another's work?

A. Well, I presume they saw differently out of different eyes.

Q. Now, after Mr. Putnam got there, who came last, and in what condition was the road then?

A. Well, Mr. Putnam's engineer straightened it out so that it was fairly good near the foot of the hill; but farther up the hill there were quite a good many breaks in the grades. It was not such a road as was usually laid out by engineers.

Q. Now, I wish you would make it clear to the committee — it isn't exactly clear to me — what you mean by saying that there were breaks in the grade?

A. Well, in going on a hill the pitch is not always the same. It may change a little. But the grade is graded over, so that you don't notice any sudden changes, or "breaks" as we call them; but in the changes which Mr. Pettigrew and Mr. Shea made by marking up or down, they made some sudden breaks in the line of grade — both in the gutters and in the roadway. And as we got up farther on the hill they made more changes, and then after we got the ballast covered and the gravel on and rolled, up near Fairview street we commenced to put cracked stone on the top of the whole thing, and in some places we didn't get more than an inch and a half or two inches. Then we put in open-bank gravel. Previous to this there had been a hard bond rolled in to what should have been ballast — a sort of rubble. It was not ballasted with any form at all. The stone was roughly thrown in, as received, and mixed up with the clay and material that is natural to the sub-grading. We put on gravel and rolled it, to get it to bind, but it worked through badly.

Q. Well, did the thicknesses of the layers vary very much within a short stretch of road there?

A. Oh, yes; from two or three inches to one inch; and then there would be little spots here and there where there would be holes four inches deep of cracked stone.

Q. So far as you know from your work on that road, are there any two stretches of, say, 200 yards that are constructed in the same manner?

A. Well, no; not in exactly the same manner. There were various thicknesses of cracked stone, of mud, and of gravel.

Q. Well, is that condition calculated to throw that road out of its proper shape?

A. Will it throw it out?

Q. Yes.

A. Well, I should say so. I couldn't see how the frost wouldn't break the bond afterwards. Of course, where there is a clay bottom without lots of good drainage the road is always bound to heave.

Q. Now, have you named over all the engineers and bosses that took part in the construction of that road?

A. Well, Mr. MacCallum took part of some of it. He built in some drainage, and some catch-basins, and did some sub-grading of it in some rubble.

Q. I don't mean the man who had anything to do with doing the work. I mean the men who were directing it.

A. Oh, well, Mr. Pettigrew, Mr. Shea, Mr. Murphy, the engineer, and Mr. Putnam, all had a hand in it. I might say that the steam roller engineers had a hand in it, also.

Q. Now, on the matter of cement used at Peter's hill, Mr. Jeffrey, what do you know about the quality of that?

A. Well, it was poor quality. It is what we call usually Rosendale cement.

Q. And you are a judge of cement?

A. Well, I think anybody can test cement that has had experience with it. All you have to do is to mix it up with some water and let it set. Afterwards you can put it into water again, and if it goes to pieces it is no good.

Q. Did you make such tests of this cement?

A. Yes, sir; I did test some of it. I told the mason who was laying the brick by the thousand that it was poor cement.

Q. Well, did you make any complaint of the quality of the cement?

A. I don't know that I made any to Mr. Pettigrew or to Mr. Shea about it, but I told the masons that they were doing wrong with it, and I also spoke to Mr. MacCallum about it.

Q. Is it customary to test cement, or is it done? That is, is it customary to send samples of cement, when you buy supplies to have the cement tested?

A. Well, it always has been, on all city work where I have been engaged. It was the custom in the Sewer Division work, both as foreman and inspector, and in the Park Department Mr. Howe used always to send in samples, to have them tested in the city.

Q. Do you know of any time in your experience in the Park Department that they have had their cement tested?

A. No, I know of no time. I never saw any tests.

Q. What tests should cement stand?

A. Well, 65 per cent.

Q. Well, figuring that way, what, in your opinion, would this cement figure?

A. Well, it would not stand any test at all.

Q. It wouldn't stand any test at all?

A. No.

Q. You couldn't get a percentage on it?

A. No. I would say that the brick work there would show for itself to-day.

Q. You mean that the cement is worn away?

A. Well, I mean to say that it washes out of the joints, more or less.

Q. (By the CHAIRMAN.) Did I understand you to mean to say that this cement would not stand any test at all?

A. I meant to say that a cement that wouldn't stand 60 per cent. would not be used ordinarily. I don't believe that this cement would stand a 30 per cent. test.

Q. You mean that good cement should stand a test of 60 per cent.?

A. Yes.

Q. And you say that this would not stand any at all?

A. I say it would not stand 30 per cent. I will modify it in that way.

Q. (By Mr. LUNDY.) Now, you say that has actually run out of the joints?

A. The work will show for itself.

Q. And in the course of a short time will that go entirely away?

A. Well, I can't say. I should say it would be of no use to keep outside water from coming into the basin — that is the water from the land around it — and that it would be apt to heave it from the frost.

Q. Do you know who bought this cement?

A. No, sir; I don't know anything about it.

Q. Do you know who delivered it?

A. No, I don't know now.

Q. (By the CHAIRMAN.) How much of that cement was delivered, in your opinion?

A. Well, what —

Q. That cement that you said would not stand a test, or that would not stand a test of over 30 per cent.?

A. Well, I think there was one load of it, as near as I can remember. I have forgotten how many barrels it was, but I think it was a two-horse load; and it was very poor stuff.

Q. (By Mr. LUNDY.) Now, did you build a stretch of road along Fairview street?

A. Yes, I started in there. I built about 200 or 250 feet north first, on my own plan or ideas.

Q. You were told to go ahead and build that stretch of road?

A. Yes, sir.

Q. And you were left entirely to your own plans to build it?

A. Well, not entirely. I was about the surfacing of it. I surfaced it entirely on my own ideas of building roads.

Q. Whether or not you completed that piece of road without interruption?

A. I did, sir.

Q. And that was completed and done without any difficulty?

A. Yes, sir.

Q. And that road was in good condition?

A. Yes, sir. It was the best road on that hill.

Q. When were you over to Forest Hills street, near the Arborway?

A. I was over there twice. I was over there in the fall and winter of — well, in the fall of 1898 and the early winter of 1899. I was there breaking up a lot of stone for the foundations for walls, which we afterwards put into trenches to make foundations along Forest Hills street.

Q. And that was the proper purpose to devote that stone to, was it?

A. Well, I don't know that it was, I am sure. They had, I suppose, to put something for a bottom for the wall, but it seemed a pity to break up the stone and waste it in that way, when it was wanted for roads.

Q. Well, was there any stone available that might have been used as filling, rather than this?

A. Oh, there were lots of small cobbles, of course, and there were some of them thrown in there; and there were lots of stone that were taken out of the old walls right along that were broken and put in for foundations.

Q. Was this work proceeding very rapidly at the time?

A. Not very; no sir, — you mean the part of digging the trench and filling?

Q. Yes, and the foundations?

A. Well, no. The stone was being broken all along the winter, and in the spring the trench was being dug, and they were thrown in.

Q. Then there was no immediate necessity of their using that particular stone, was there?

A. Oh, no, sir. Any stone would have done.

Q. And you considered that stone too valuable to be used in that way?

A. Well, some of it was very nice ballast. It was already broken when I went over there — very good, hard stone.

Q. Now, how many trenches were dug there?

A. There was a long line of trenches dug there, from Washington street, or, rather, from the Arborway, first over to about the line of Williams street, or just beyond it, and also on either side of the "funeral road," as we call it — the

entrance to Forest Hills main entrance, running from Forest Hills street back to the arched bridge, on either side. There was also quite a lot of stone blasted there which we used, mostly for filling into the trenches.

Mr. LUNDY. — That is all, Mr. Jeffery — were you going to say something?

The WITNESS. — Yes. We worked along on that for some time, and we afterwards were shifted up to Canterbury street, where we dug a trench nearly the whole length of Canterbury street, from Washington street to Blue Hill avenue, and filled it with stone for a line of wall there. There is quite a lot of stone that had been piled in the upper part of the old nursery for ballast, and there was some boulders there which we broke up, and used this to put in a foundation for that wall.

Q. Well, do you know whether or not the department ever ran short of ballast while you were with them?

A. Well, they didn't use ballast as we had been using it. They wouldn't naturally run short, because they only threw in a certain amount as a sort of rubble, instead of ballasting. Their form of building roads is entirely different from anything I ever saw before.

Q. Or anything you ever heard of?

A. Yes, sir. Of course it would have taken a great deal more ballast if they had all been placed up on end and ballasted in the ordinary custom, such as is the usual way of building a Telford road.

Q. And did they suppose this was a Telford road? Did you understand they were trying to build a Telford road?

A. Well, no. I don't see how I could understand that, because it had no real resemblance to a Telford road at all.

Q. (By the CHAIRMAN.) I want to ask you just a few questions. Do you know anything about any watering carts on Franklin Park?

A. I know that there are quite a number of water carts there, and also some at the Back Bay.

Q. Do you know whether at any time there were any watering carts sold there and new ones bought immediately to take their place?

A. Well, yes, sir.

Q. Tell us what you know about the watering carts, if you please.

A. They sold quite a number of watering carts.

Q. How many?

A. I cannot say how many. I know of three, at least, that they sold to Dolan.

Q. You don't know how many they sold?

A. I don't know, now. If did know, I have forgotten.

Q. Did they buy new ones?

A. They bought new Studebakers.

Q. And what were the old ones?

A. The old ones were Miller & Knoblock.

Q. You say they sold three watering-carts, at least?

A. Yes, sir.

Q. And they bought three new ones?

A. Yes, sir.

Q. What was done with the old watering-carts after they were sold?

A. Well, Mr. Dolan, I believe, had some new parts put upon them, and used them upon the park.

Q. On the same work?

A. Well, one was used for watering on the Arborway, and one on the construction of the roads on Peter's hill, and another watered on "funeral road," in Franklin Park, and supplied the boilers to the engines there with water.

Q. Would you say that those old watering-carts which they sold would do the work that the new carts they bought do?

A. Well, they would if they had been repaired and had different sprinklers put upon them — the down sprinkler.

Q. What does a watering-cart cost?

A. I don't know exactly how much those cost — from $350 to $375, I think, apiece.

Q. Three hundred and fifty dollars apiece?

A. Yes, sir.

Q. You would say that was about the cost, would you?

A. I think so.

Q. How much did they get for the old carts?

A. I don't know, sir.

Q. Do you know anything about that?

A. No, sir.

Q. Now, I heard you say something about handling loam on Franklin Park, did you not?

A. Yes, sir.

Q. Do you know anything about the loam that was delivered there in 1898?

A. Yes, sir.

Q. Did you read the Park Commissioners' report in 1898?

A. Well, I read some parts of it; yes, sir.

Q. Did you see there where it said that they paid out of the treasury of Boston for 174,000 cubic yards of loam?

A. Yes, sir.

Q. And there was probably 18,000 or 19,000 of that delivered in South Boston?

A. Yes, sir.

Q. How much of that should you say was delivered in Franklin Park?

A. Well, nearly all of that. I presume there was some of it delivered at the Back Bay which I didn't know of. I don't know how much there was that went to the Back Bay — some of it. The report, I think, does not make that plain, if I remember right.

Q. You say that you have been working in places where they sunk loam four and five feet deep? Did I understand you correctly to testify to that?

A. Yes, sir; I did.

Q. And it is a fact that they could have bought gravel and other filling to take the place of that?

A. Yes, sir.

Q. And for that loam they were paying sixty cents and over?

A. Yes, sir.

Q. I want to be clear on that.

A. Yes, sir; they did.

Q. They could have bought other filling for twenty-five cents a cubic yard — filling that would have answered just as well?

A. Yes, sir.

Q. You have that clearly in mind, have you?

A. Yes, sir.

Q. And they sunk this loam, which cost sixty cents, four feet deep in some places?

A. Yes, sir.

Q. Unnecessarily? Is that right?

A. Yes, sir.

Q. You want to give your testimony that way?

A. Yes, sir. That would be my judgment.

The CHAIRMAN. — We want to get at some points definitely as to whether anything was done or not.

Q. (By Alderman JORDAN.) Mr. Jeffery, how much loam did they use for filling during the past two years?

A. Well, I cannot say how much — it was in such a shape. It was in slopes. Where it came down to the street they sloped it off, and in some places where the grade did not suit it was brought up to suit Mr. Pettigrew's idea of landscape gardening.

Q. How many cartloads would you think were used?

A. It would be an utter impossibility for me to tell, in the shape it was put in.

Q. Would you say 100 cartloads?

A. Oh, I should say more than that.

Q. Would you say 1,000 cartloads?

A. I should think that would cover it.

Q. And what did they pay for a cartload of loam?

A. Well, they paid 66⅔ cents, and they got from two yards to three and a half to a cartload.

Q. Now, what could they have got filling for?

A. Well, they could have got filling enough from people who had it to sell nearby for 25 cents a yard.

Q. Now you say they were about 1,000 loads? You think that would cover it?

A. I think that would cover it; yes, sir.

Q. Well, in regard to the shrubs in the Back Bay Fens and in Franklin Park. You say they destroyed the shrubs?

A. Yes, sir.

Q. Did the shrubs have any value?

A. Well, they could not have been moved. They were too old to move. Of course they had a value as they were there. Some people thought they were beyond value.

Q. Were they shrubs that the Park Commissioners had planted there?

A. Yes, sir; by Mr. Fischer's direction, under Mr. Olmstead's plan of planting.

Q. How long ago?

A. Oh, eight or ten years.

Q. Could they have been transplanted at any other season of the year?

A. Well, they could be by taking up large balls with the roots, in the winter time.

Q. Well, could they have sold them for any money to a gardener?

A. No, I don't think they could.

Q. Do you know anything about that stone wall in the Jamaicaway?

A. No, sir.

Q. Not a thing?

A. No, sir.

Q. Are you an expert in the value of stone and loam, etc.?

A. Well, I have handled a great deal of it during my life.

Q. How long have you been in the business?

A. Well, for the past thirty-five years.

Q. You don't know anything about that stone wall at Jamaica Pond, as to what was done with it? Do you know anything about the stone that was there?

A. I know there was a stone wall built there, that cost somewhere about $500 or $600, and I know what kind of stone there was in it; but I don't know anything about it being torn down.

Q. Do you know whether that stone was of any value or not?

A. Well, I should think it was, as they were building walls right near by there — building walls right within three or four thousand feet of it.

Q. (By Mr. LUNDY.) Did you say that wall cost $600?

A. Six thousand dollars, I meant. I meant from $5,000 to $6,000.

Q. (By the CHAIRMAN.) You want it changed from "from $500 to $600" to "from $5,000 to $6,000"?

A. Yes, sir.

Q. (By Alderman JORDAN.) Would anyone have bought that stone as it stood in the wall?

A. The contractors who built the wall, I should think, would have bought it.

Q. Would you, if you were a contractor, have boughtit?

A. I certainly should.

Q. What would you pay for it?

A. Well, I have not been in the contract business for some years, and don't know what stone is worth.

Q. When was this wall torn down?

A. That I don't know.

Q. What would you have given for it a year ago?

A. I don't know what stone was worth a perch a year ago, because I hadn't taken any trouble to enquire. That is easily got at, however; and as the contractors took down a large wall on Glen Road and carted it over to Morton street — I should think nearly a mile — and placed it in a wall again, I should think they might have moved this. And this wall which they took down and moved over there was nothing but Roxbury stone, while that wall which you speak of was granite faced — I should say, quarry-faced granite.

Cross-Examination.

Q. (By Mr. MATTHEWS.) I understood you to say, Mr. Jeffery, that you thought that some cement was used in some parts of this work which came under your knowledge that was not of first class quality?

A. Well, it did not come under my immediate charge, because I was too far ahead to look after that.

Q. Well, under your view, then?

A. I went back down to the foot of the hill there afterward.

Q. Well, there was some cement used that you think was not of proper quality?

A. Yes, sir.

Q. How much of that cement, would you say, of that inferior quality, was used?

A. I didn't take particular pains to find out, but enough to make some poor brick work, without a doubt.

Q. And where was this poor brick work done?

A. It was along the foot of the hill, near the north side of Peter's hill.

Q. In the catch-basins?

A. Yes, sir.

Q. North side of Peter's hill, near the foot?

A. Yes.

Q. When were those catch-basins built?

A. While I was surfacing up the road over on the other side, near Fairview street.

Q. How long ago?

A. Well, it was in the fall of 1898, I think, sir.

Q. There would be time enough, if the cement had been poor, to have its poor quality exhibited in the work by this time, wouldn't there?

A. I should think it would.

Q. It ought to show now?

A. Yes, sir.

Q. Do you think you could go to the foot of Peter's hill, or to the foot of the road on the north side, and show the committee any catch-basins —

A. I haven't a doubt about it.

Q. Excuse me; let me finish my question — any catch-basins where the work is not in good condition now?

A. I haven't a doubt of it, although I haven't been there to see it.

Q. Could you point out on the map the catch-basins where this poor work would show?

A. I don't know that I could. I don't know that I know the immediate place, but there along that slope, on the north side.

Q. How many catch-basins, would you say, were built with this poor cement?

A. Well, I cannot tell what proportion of cement they used. They might have used one-half to two-thirds of cement, and only one-third or one-half of sand. As it was poor they mixed it richer than they would if it was proper quality, and so, of course, used a great deal more of it. So, for that reason, I cannot tell you how far the cement went.

Q. Well, if they made up in quantity for what it was lacking in quality, the catch-basins would be all right, wouldn't they?

A. It ought to be much better, of course.

Q. Well, wouldn't that make it all right?

A. Well, of course, if they used ten barrels where they shouldn't use but five, it would make better work, the cement being poor. It was poor cement, anyway. I will say that.

Q. Can you take this committee and show them any catch-basins in that part of the road that would show bad work?

A. Yes, sir; I wouldn't have a bit of trouble in doing that.

Q. Can you distinguish them and point them out on the map?

A. I will point them out on the ground if the committee wish to go there.

Q. Now, you say that an unnecessary quantity of loam was used in some places?

A. Yes, sir. That is what I said.

Q. In Franklin Park, particularly?

A. Yes, sir.

Q. Anywhere else?

A. No, sir; I didn't speak of any other place, I think.

Q. Did I understand you to say that loam was spread through the woods?

A. Yes, sir.

Q. How deep?

A. About a foot deep.

Q. Did you think there was anything unusual about that?

A. Well, nothing more than it is very apt to kill the trees, where they ought to have the air to the roots of the trees.

Q. You think it is a poor thing to spread loam, good rich loam, around there through the woods?

A. Well, if you want to get rid of the loam I think it is a good way to get rid of it.

Q. But it is a good way to kill the trees, you think?

A. Yes, sir.

Q. You think that to spread good, rich loam in woods, in among oaks and maples, is a bad thing?

A. Well, it has been said so by a good many others, — not by me alone.

Q. Who has said so?

A. Well, most of the people who pretend to know.

Q. Has Mr. Olmstead ever said so?

A. I don't know that I ever consulted Mr. Olmstead about that, and as he is now in a condition such that he could not tell us, I do not see that we can bring him into it.

Q. Don't you know that he has recommended just such treatment?

A. No, sir, I never heard of his putting loam into woods in that way.

Q. Did you ever hear of any other landscape architect doing it?

A. No, sir.

Q. In other words, your opinion is that loam, good, rich loam, spread six inches to a foot in depth, over the surface of ground which is covered by deciduous trees, is a bad thing for the trees?

A. Well, I think Mr. Pettigrew will tell you that if you put on too much it will kill the trees.

Q. Well, you think it is a bad thing?

A. Yes, sir.

Q. And that it will kill the trees?

A. I do.

Q. What do you suppose they did it for, then?

A. I couldn't say. I haven't the slightest idea, unless they wanted to kill the trees, what they did it for.

Q. And you actually want this committee to understand that you think the Park Commissioners of the city of Boston —

A. Well, I certainly —

Q. Excuse me — let me finish my question. You actually want this committee to understand that you, in all honesty, think the Park Commissioners of the city of Boston went to the expense of spreading six inches to one foot of loam among the deciduous trees for the purpose of killing the trees?

A. Well, I certainly will tell you so in all honesty, or I wouldn't say so.

Q. That is what you think?

A. That is my judgment; yes, sir.

Q. Now, you have been a foreman on street work in the park system, haven't you?

A. I have — on every kind of work in it.

Q. Ever had any kind of training in the nursery?

A. No, sir.

Q. Never been connected with the nursery in Franklin park?

A. No, sir; never been connected with the nursery there.

Q. Or with any other nursery — any private nursery?

A. Nothing more than my own father's instructions.

Q. You were never connected with the Department of Public Grounds, were you?

A. (Continuing to answer former question.) — but not with the regular nursery business.

Q. You were never connected with the regular Department of Public Grounds in this city, were you?

A. No, sir.

Q. You never would consider yourself an expert in the matter of tree culture?

A. I never held myself up as an expert.

Q. And you don't mean that you want the committee to think that your views about tree culture, or about that kind of work, has any special value?

A. Well, I will leave that to the committee.

Q. No. You have stated some things as your opinions, which you have a perfect right to do. Now, I want to know if you have any special knowledge about tree culture?

A. I stated that I was not an expert, and that I did not pretend to be.

Q. That is an answer to my question. Now, in regard to these trees that you were ordered to cut down on the Fenway, those were mostly coniferous trees — pines, spruces, and so forth — weren't they?

A. Oh, there were some other trees — quite a number of elms — and we cut down some maples and some catalpa trees, and some other kinds.

Q. Some were removed, were they not?

A. No, sir; none where I was.

Q. Well, some were removed on other parts of the Fens?

A. Yes, sir.

Q. You know that to be a fact?

A. Yes, sir. I saw as many as three moved.

Q. But where you were they were all cut down?

A. Yes, sir.

Q. Now, those plantations had been growing how long?

A. As near as I could remember, from eight to ten years, I think.

Q. You think that in that time some of the trees had got to be twelve inches through at the butt?

A. Yes, sir.

Q. In eight or ten years.

A. Yes, sir; and I can show you the butts.

Q. And you really mean to say that those kind of trees will grow that size in eight or ten years?

A. Well, I cannot say that these particular trees grew ten years, or more or less, but I will say that those Balm-of-Gilead trees will show their stumps, if they haven't been grubbed out since, twelve inches through.

Q. The Balm of Gilead is the poplar tree, isn't it?

A. Yes, sir.

Q. And there were poplars that were removed, among others?

A. Yes, sir.

Q. And also Norway spruces and the foreign spruces?

A. They were Scotch pines.

Q. Scotch pines and similar trees. Now, did you know that those plantations were laid out by Mr. Olmstead and planted with these poplars and Scotch firs and Norway spruces for the purpose of having them cut out when they had reached a certain age?

A. No, sir.

Q. You didn't know that?

A. No, sir.

Q. You never asked Mr. Olmstead about that?

A. Mr. Olmstead never expressed himself that way to me, although he very frequently talked with me about planting and grading, and about tree and shrub culture.

Q. Well, he never happened to tell you that those particular trees had been put in there to act as nurses for the rest?

A. I don't believe he did. It isn't natural that a pine tree casting a shade would nurse anything but weeds under it.

Q. That is your opinion, is it?

A. Yes, sir.

Q. Did you ever hear of Norway pines and spruces being planted as nurses for oaks and such trees?

A. There were no oaks there.

Q. No hard wood trees?

A. Yes. There might have been some maples, and the various other trees.

Q. You never heard of plantations being laid out originally and planted very thick with the deliberate intention of cutting out from one-half to two-thirds and up to three-quarters of the trees, as they grew in?

A. Oh, yes. I saw a sample of that in Franklin Park. They are planted in there so they could have three-quarters of them cut out and still leave a good wood.

Q. What percentage did they cut out in the Fens? More than three-quarters?

A. I cannot say exactly as to that.

Q. You are pretty sure they didn't, aren't you?

A. I should say they didn't; no.

Q. And you know that plantations are made with the deliberate intention of cutting out 75 per cent. in time?

A. Not so much as that.

Q. I thought you said so a moment ago?

A. You said not more than three-quarters.

Q. I said that they planted them with the intention of cutting out from two-thirds to three-quarters, and I thought you repeated me and said three-quarters, too.

A. Oh, well, I will let it go, but I didn't so understand it.

The CHAIRMAN. — The committee wishes you to answer the questions as directly as possible.

Mr. MATTHEWS. — Oh, I think the witness means all right.

The WITNESS.— I don't wish to do anything unfair.

Mr. MATTHEWS. — I think the witness is intending to answer my questions very fairly.

Q. (By Mr. MATTHEWS.) Then, you wouldn't want to be understood as saying that you actually knew that plantations had been laid out with the intention of cutting out three-quarters of the trees, but you did know of plantations being planted with the idea of cutting out 50 per cent.

A. Yes, sir.

Q. It is a matter of degree and judgment whether you should plant them thicker at the outset or not. Now, in regard to these shrubs, isn't the same thing true of shrubs? Aren't they set out in fresh plantations very thick at the outset, with the idea of cutting out a large percentage when they grow up?

A. Well, in that particular place that wasn't the idea that was conveyed to me. Mr. Olmstead told me that those shrubs were planted as a thicket, so that no one could go into them at all, and that he wanted to leave them that way.

Q. Well, there is such a thing as a thicket getting too thick, I suppose?

A. Well, we see it very thick — a bird could hardly get through it.

Q. Wasn't the condition of those shrubs practically a tangled mass?

A. Well, yes, they were; but Mr. Olmstead had previously said that in that particular place he wanted to have them thick.

Q. Wanted to have them thick, certainly; but wasn't the condition of that shrubbery at that time such that the more valuable shrubs were being crowded out, and many of the ranker, coarser shrubs were growing up in their place?

A. Well, they crowded out some. Of course they killed some, and then of course they had a chance to fill in, as they died out naturally.

Q. Now, the road that you spoke of as not having been built in a workmanlike manner was part of the Audubon road, that leads from Audubon circle to the bridge over Muddy river?

A. A small portion of it there.

Q. Well, it isn't more than 200 or 300 feet long altogether, is it?

A. Well, I thought it was a little more than that.

Q. What part of the road was not properly built?

A. Well, I said that we were building it and ballasting it in first class shape, when Mr. Pettigrew ordered us to throw in the ballast, — not to take so much pains with it — and to throw on a lot of coarse, rough gravel, and to put the rollers on to it and roll it, which we did. We stopped taking pains with a certain portion of it.

Q. Where was that portion?

A. I don't know that I can tell you exactly now what portion of it it was. I think it was in the central part of the road, — the part about half way up — I don't mean about half way up the hill; but there was a part at either end, near the bridge and near Beacon street that was done very thoroughly.

Q. Well, then, this poor part was about the middle of the stretch between Audubon circle and the bridge?

A. Well, I don't remember exactly what portion of the road, but at either end it is thoroughly done, I think, and then towards the more central part it is not.

Q. Now, in regard to this deep loam. You think that it was put in some portions of the work which you saw as deep as three or four feet?

A. Yes, sir.

Q. Do you know how deep they plant loam for trees in the arboretum?

A. No; sir.

Q. Don't you know that Professor Sargent plants trees in loam from three to four feet deep?

A. No, sir. I don't know much about Professor Sargent's work in the Arboretum. I know that we have put in loam in tree plants, where they were narrow, three feet deep, but if we were going to put it on a very large space, where there was room for them to run out, we didn't put it but about eighteen inches deep, and we have come down to sixteen and fourteen inches on the Fens. There was nearly half of the Fens didn't have more than fourteen inches of gravel — or loam, I should say — on the filling.

Q. But you have put in as much as three feet where trees were intended to be planted?

A. Put it in a tree place, where it was not more than four feet and four inches wide.

Q. Then three feet isn't too deep for trees?

A. Well, it isn't too deep in a tree place; no, sir.

Q. And it depends on the kind of tree, doesn't it?

A. Yes, sir; I presume it does.

Q. Oak trees require deeper loam than pines, wouldn't they?

A. Yes, of course the spur root would not worm down like the oak, but it will also go into the gravel. I don't think that they have three feet in their natural wooded state, anyway. I never heard of any such a thing.

Q. Are you familiar with the methods of planting in other parts of this country, with reference to the depth of loam?

A. Well, no sir; not at present. My time has been given here.

Q. And you do not happen to know that in the arboretum which is right adjoining the Boston park system they use loam three to four feet deep for certain classes of trees?

A. Well, they may, but I hardly should say they did all over the park; as I have, years ago, been there a good deal. On the natural soil they had trees on it, — oaks on it.

Q. I am not speaking about natural soil, but artificial soil, plantations. Don't you know, as a matter of fact, they use loam wherever they can get it, if they can afford it, for many of the trees of the arboretum, to the depth of three to four feet?

A. No, sir; I don't know anything about it.

Q. That is, you don't know whether they do or not?

A. No, sir.

Q. Now, with regard to the system of checking loam, I wish you would explain that to the committee, and state in your own language and in as much detail as you can, the exact system by which you or your associates kept tally of the loads of loam used.

A. I didn't have anything to do with that, sir.

Q. Didn't you ever keep tally of the loam?

A. No, only a very few loads, — just a few loads.

Q. Well, you were familiar with the method used, were you not?

A. Well, I was familiar with the fact that boys were sent back behind me to tally in ahead of the tallyman so that he wouldn't make mistakes.

Q. They had a sort of a double system?

A. Yes, sir.

Q. Can't you explain the system a little more definitely to the committee than you have?

A. I don't see how. I simply was told by Mr. Pettigrew and Mr. Shea to give Mr. Dolan a boy or two to assist him there, and I did so; and he placed them out there; and I was back sometimes an eighth of a mile from where he was, where the loam passed him, — receiving it.

Q. Do you mean to say you cannot tell the committee what the system was?

A. I can say that the teams came in in two different tracks along in that particular place where there was double tally, and that the boys counted loads and made a mark for each load on a piece of paper, and that there was a boy writing checks in a shanty and passing them out to Mr. Dolan; and he put the amount of feet on the check and signed his name to it.

Q. Well, now, if I understand you, the teamster, when he brought a load of loam, had the contents of his team measured?

A. Yes, sir.

Q. And he received a check for that amount?

A. Well, that was the usual custom; but there where we were receiving close on to a thousand loads a day, it couldn't be done.

Q. What did you do then?

A. They didnt get their checks till night.

Q. The checks were taken from a stub-book, weren't they?

A. Yes, sir.

Q. And the man who kept the book made an entry on the stub and an entry in the check?

A. Yes, sir

Q. And gave the check to the teamster and returned the stub to the commission?

A. Yes, sir.

Q. And in that way the tally was kept of the loads of loam?

A. Yes, sir.

Q. And a measurement was made of the quantity in each load?

A. No, sir; the loads were not measured each time, they couldn't be; it was an utter impossibility for the man who gave the checks to go down and measure every load.

Q. What did he do then under those circumstances?

A. He held them up to fill their carts to what the area of the cart was.

Q. Well, having done that, what did he do with his check?

A. Well, he marked in so many feet every time for that same team that came.

Q. That is, if a cart was full, he assumed that it contained so many cubic yards?

A. Yes, sir.

Q. Or so many cubic feet?

A. Yes, sir. Well, he wouldn't receive them unless they were full.

Q. And when they were full, the teamster would get his check?

A. Yes, sir.

Q. And a corresponding entry was made on the stub?

A. Well, he didn't get his check then, but he did later on.

Q. He got it that day, I suppose?

A. Yes, sir.

Q. Well, then, whenever they were not hurried, and these large quantities daily were received, it was the custom to measure the loam in one way or the other?

A. Yes, sir.

Q. And the mode was, to keep tally, and the man made an entry on the stub and an entry in the check and gave the check to the teamster sometime during the day?

A. Yes, sir.

Q. And the stubs were returned to the Commission?

A. Yes, sir.

Q. You said something about substituting loam for filling. Do you know what the cost of filling would have been in that place at that time?

A. Well, the only way I had to know was by contractors constantly coming there who said they were digging cellars and wanted to sell filling. And that was my reason for speaking to Mr. Pettigrew and Mr. Shea about it.

Q. Do you understand that any large amount of filling can be got from cellars?

A. I should say there could. There was more than half a dozen contractors there, that came there all the time. I don't think they would have had much trouble to have got a thousand loads of filling at any time.

Q. Do you know what is the best price the Commission has ever been able to get for filling when they have advertised for it?

A. That is according to the locality they were to get it in. If they were to get it in the Back Bay, where there wasn't any filling to be found, they would pay much more

than what they would in Franklin Park or any similar place where there were cellars being dug, and where they could get filling plentifully; in other words, where contractors did not know what to do — they had to get rid of it — they took cellars at a low price to dig, and they had to get rid of the filling somehow, and would have been glad to get almost any price for it, so they said themselves.

Q. Do you think there are a great many cellars in the vicinity of Franklin Park?

A. Yes, sir, I do.

Q. Not enough to furnish all the supply the Commission might have wanted?

A. All they ever would want in that vicinity.

Q. Do you know whether the Commission, in its advertisements for filling, ever has been able to get a price of less than fifty cents a cubic yard?

A. Well, I know in the Back Bay they got filling for forty and forty-five cents a yard.

Q. By rail?

A. No, sir, by carts.

Q. Forty-five cents?

A. Yes, and forty cents.

Q. Do you know of any price less than forty-five?

A. Yes, sir; Mr. Johnson put in lots of it at forty cents.

Q. How large a contract?

A. Well, a winter's work for twelve or fifteen double teams. I couldn't say how many loads.

Q. For a whole winter?

A. Yes, sir.

Q. But you do not know of any case where the Park Department has advertised for a few hundred loads or a thousand loads, where they have been able to get it for less than fifty cents?

A. I have never known them to advertise for any in the last three or four years; never known them to buy any filling.

A. At any time during your connection with the Park Department, can you name an instance where the Commission have been able to get filling to go underneath the loam for less than fifty cents; do you know any instance where they have been able to do it, by advertisement?

A. I do not cite any at this present moment, sir.

Mr. MATTHEWS. — That is all, I think.

Alderman JORDAN. — Mr. Chairman, I would like to ask just one or two questions.

Q. (By Alderman JORDAN.) Where was this loam put on four feet deep?

A. Well, it was put on around the Pierce road cellar, the barn cellar, I think, and also up near the corner of Blue Hill avenue and Seaver street, in a cellar there. I can't remember the name of the place.

Q. When was it put on?

A. In 1898.

Q. Have any trees been planted there since?

A. O, yes.

Q. (By Mr. MATTHEWS.) Do you think you could point out to the committee any place where loam has been placed to the depth of four feet?

A. I think I can.

Q. Anything more than a small pocket or hole?

A. Well, a hole or some slope, where it come out suddenly.

Q. It would be a small place, wouldn't it?

A. Not very extensive, I should say. I simply told just what I believed to be the truth about it. I had no object in saying that.

Q. (By the CHAIRMAN.) Did you ever do any work around the curbing in the Back Bay Fens?

A. Oh, yes, I set in thousands of feet of curbing there.

Q. Did you ever destroy any curbing there?

A. No, sir.

Q. Never did?

A. No, sir.

Q. You never were ordered to tear up any curbing that you set?

A. Oh, yes, I have taken up curbing that I set, and stowed it away in the yard there; I left quite a large amount in the duck-yard, I think when I came away. I couldn't tell how many feet.

Q. What did you take it up for, what was the object of taking it up?

A. Changes that they made, in roads that were cut into the park, — traffic roads into the park entrance.

Q. And that was necessary, was it?

A. Yes, sir.

Q. It was necessary?

A. Yes, sir.

Q. Did any contractor ever tell you that he would sell good filling for twenty-five cents a cubic yard?

A. Yes, sir.

Q. Would you care to name him, or do you know his name off-hand?

A. I know his name, but I can't think of it at the present moment; but I will hand it in, in writing, later on.

Q. Some contractors have told you they would sell you good filling for twenty-five cents a cubic yard?

A. Yes, sir; they came there and tried, not to sell it to me, sir, but to the Park Department.

Q. (By Mr. MATTHEWS.) Where was that to be delivered?

A. That was when I was working near Blue Hill avenue entrance, and at the end of "The Greeting."

Q. Any heavy loam deposited there?

A. Well, that is where there is some of the deepest, put along the foots of the slopes — foot of the slopes.

Q. Do you know that the Park Commissioners or the superintendent wanted filling there?

A. Yes, sir.

Q. Didn't they want loam instead?

A. No, sir; Mr. Pettigrew directed me to grade it off with loam, and I did as he told me to.

Q. What makes you think they wanted filling there?

A. Well, he ordered me to grade it up out there to a certain shape.

Q. With loam?

A. Why, he said, when I spoke of filling — he said that loam was so cheap that he wouldn't bother with the filling. That is the very words that he said to me.

Q. His idea, as you understood it, was that the filling would cost as much?

A. Yes, sir.

Q. And of course the loam was better for the trees than the filling?

A. I don't know whether I understood that; but, at any rate, I understood this, that, as he was receiving plenty of loam right along there, — that he didn't care to bother with the filling. That is as I understood it at the time.

Q. That is, Mr. Pettigrew's idea, as you understood it, was that it would cost the department about as much to get filling to put in place of the loam that was being delivered then?

A. I can't say that.

Q. I thought you did say it a moment ago.

A. I did not, sir.

Q. That is what he told you about it, isn't it?

A. He told me to fill it with loam, he couldn't be bothered with filling, because he was getting loam cheaply.

Q. And the loam was better for the trees, of course; you know that, don't you?

A. Well, I presume so.

The CHAIRMAN.— That is all, unless some other member of the Committee desires to ask you questions. That is all, Mr. Counsel?

Mr. LUNDY: That is all.

Q. (By Alderman CODMAN.) I want to ask you if there are trees where you put this loam in?

A. Well, some places there are, and some there isn't.

Q. I understood you this was laid out as an open space playground, etc., for picnics?

A. Some parts of it is, and some isn't.

Q. How many trees are there there? Are there many trees there?

A. Well, of course the trees vary in the lines, you know, and don't run to a regular line. And in some places, — in one particular place I remember of, that is along near the ledge, — it was ledged out to quite a deep depth, and the loam was off there outside, some little distanee, and there are no trees there.

Q. As a matter of fact, the larger part of the place is not covered with trees, — is that a fact?

A. Well, there isn't any tree for two or three hundred feet anywhere where it is the deepest.

Q. (By Mr. MATTHEWS.) Mr. Jeffery, the grading that you speak of, or that Alderman Codman asked you about, is on Mr. Olmstead's original plan, what was called "The Greeting," is it not?

A. Yes, sir. Well, on the lines of "The Greeting," and also back of it, farther up towards the sanitaries.

Q. Well, now, taking that big open glade that was called "The Greeting," it has since been covered with loam and grassed down?

A. Yes, sir.

Q. You do not mean, — I think perhaps Alderman Codman misunderstood you, — you do not mean to say there is three or four feet of loam over that?

A. Oh, no.

Q. There is about ten inches?

A. There is from two or three inches, up to a foot.

Q. (By the CHAIRMAN.) As you probably will not be on the stand again, let me ask you how many acres there are in Franklin Park?

A. Well, I think between five and six hundred acres, with the roads and all.

Q. How much of that is roads and forests?

A. Well, I have forgotten that, so that I should hardly want to tell; but there is a place in the report that will tell that. I have forgotten the area that is covered by roads and forests.

Q. What I want to get at is, the item of loam in 1898. They claim that there was 174,000 cubic yards of loam spread on the park system of Boston in that year; that is their own report.

A. Yes, sir.

Q. How many acres would that cover, a foot deep?

A. I think about 107.

Q. One hundred and seven acres?

A. As near as I can remember. I figured it out at one time.

Q. Do you think there is 107 acres of ground in the park system that is to be loamed?

A. It don't seem possible. I don't think so.

Q. You don't think there is?

A. I don't think so.

Q. Then you think that 174,000 cubic yards of loam is very excessive for one year?

A. Well, it would seem so to anyone.

The CHAIRMAN. — That is all.

Ald. CODMAN. — Mr. Chairman, counsel on the other side has raised a doubt in my mind, and I wanted to ask Mr. Jeffery another question.

Q. (By Ald. CODMAN.) As I understand you, in Mr. Olmstead's plans there was what they called "The Greeting," which was a series of three or four parallel roads?

A. Yes, sir; in pairs.

Q. And, as you speak of it, it was sub-graded, and part of the Telford road construction had been commenced?

A. Well, yes, but not much of any ballast put in.

Q. What had been put in?

A. Drainage and basins had been built on some of it, which we filled up with loam.

Q. You took out the ballast, as far as it had been put in?

A. There wasn't any ballast set.

Q. You took it simply as a rough graded road?

A. Yes, sir.

Q. And filled in this rough graded road completely?

A. Yes, sir.

Q. With loam?

A. Yes, sir.

Q. And in those fillings, how deep was the loam?

A. Well, as I said, from two or three inches up to a foot deep.

Q. Up to a foot?

A. Yes, sir.

Q. Would that fill it?

A. Well, we levelled in the stones — this ballast — into the deeper holes, you know.

Q. I had an idea the filling was more there.

A. Well, no, not in that place.

Q. (By Mr. MATTHEWS.) Just one question before you go. Do you happen to know what the estimate of completing the grading on Mr. Olmstead's original plan was?

A. I think it was $250,000.

Q. And do you know what the cost of completing it as the Park Commission have, has been?

A. No, I don't.

Q. Well, don't you know the Commissioners saved, of that amount, $225,000 —

A. I don't understand what you mean by "saving."

Q. The expense — they spent so much less?

A. Well, they spent so much less, but we haven't got "The Greeting," which was considered by many people as the finest thing in this park in this vicinity, as an attraction.

Q. You don't like it there now as well as if you had "The Greeting"?

A. Well, I didn't mean a criticism of that.

Q. Don't you really prefer it as it is now?

A. Oh, no.

Q. Well, don't the people generally?

A. Not at all, no; I don't believe they do.

TESTIMONY OF JAMES E. MACCALLUM.

Q. (By Mr. LUNDY.) Your full name is James E. MacCallum?

A. Correct.

Q. Where do you live, Mr. MacCallum?

A. Brighton, Massachusetts.

Q. And what is your business?

A. Foreman of construction work.

Q. When did you enter the employment of the Boston Park Department?

A. May 2, 1898, I think.

Q. Had you, prior to that time, been engaged in any other department of the city?

A. Yes, I had worked for eight or nine years in the Boston Water Department under Mr. Fitzgerald — Desmond Fitzgerald, on the basins, etc. — general construction work.

Q. Work similar to what you are doing in the Park Department?

A. Yes, only broader; that is, as far as construction goes.

Q. You entered the service of the Park Department in what capacity?

A. As a sub-foreman.

Q. How long were you there?

A. When?

Q. How long did you serve in the Park Department?

A. Until the suspension, February 15.

Q. Now, where did you start in to work?

A. I started in at the North End Park.

Q. And that was in what part of 1898?

A. May 2d, I believe. I worked there until the evening of the 3d of July.

Q. Where did you go then?

A. I went to Jamaica Park.

Q. To Jamaica Park?

A. Yes, sir.

Q. You were how long at Jamaica Park?

A. Oh, five or six weeks, possibly longer. I was round the other side, on the construction of the Parkman road.

Q. You had a gang under you?

A. Yes, I had a gang under me there.

Q. Of how many men?

A. Oh, it varied. Sometimes I had ten, twelve, fifteen — sometimes thirty-five.

Q. Was this original construction, or were you touching up an old road?

A. At Jamaica Park I was touching up an old road, in both cases. I built a cinder path on the arborway, or Jamaicaway, I believe it is called, and then went over the other side and was sub-grading and laying rubble for a man named McNulty, that is, ahead of him, on Parkman road.

Q. Where did you go from there?

A. From there I went to Peter's Hill.

Q. And what line of work were you engaged on at Peter's Hill?

A. I was sub-grading there ahead of Mr. Jeffery, — sub-grading and laying rubble.

Q. And after that, which would bring you down to January of this year, where did you go?

A. Well, I went then to the Alfred-street playground, — I was there, had charge of the ice; came back again to Franklin Park, worked there a while, went down on Columbia Road and worked a while; I can't say how long; it is pretty hard to remember, you know, shifting around so.

Q. What work did you do at Ward's Pond?

A. What work did I do at Ward's Pond? I ripped up a section of road about a thousand feet long, — 20 foot road, I

think, that was in very good condition, very good road, destroyed some rustic-work there and dumped the stone into the pond.

Q. What was the nature of this rustic work you destroyed?

A. Well, I understood it was put in there by direction of Mr. Olmstead. At the time I was destroying it, I made some inquiries about it; but I received orders to put a tow-horse on to it and twitch the stones into the pond, so I did so.

Q. Now, this rustic work embraced about how much material?

A. Oh, well, that would be pretty hard to estimate it in that way.

Q. Well, how would you estimate it?

A. There were bowlders in the ground, alongside the roads, along the culverts — along these sides, bowlders were laid, and shrubbery set in back of that, which gave an artificial effect, of course, and beautified the edges of the pond, gave it a rustic or wild appearance, I should say.

Q. Did you destroy that rustic work under the direction of Mr. Pettigrew?

A. Well, under the direction of his subordinate, general foreman James B. Shea, which I suppose was the same thing.

Q. Now, this stone was thrown into the pond?

A. That is what it was.

Q. Now, do you know what else might have been done with that stone?

A. Well, it could have been loaded up and sent over to wall off Franklin Park — broken up and put in for ballast, instead of breaking up curbing, as I have seen afterwards put in there.

Q. Well, it was really worth using in some way?

A. Certainly; it was worth, I should think, 60 cents a ton for road or ballast work.

Q. You do not understand that, in this instance, this useful stone was thrown into the pond for the purpose of making a slope?

A. Well, to help fill up the pond, as I understood. It was afterwards covered over with gravel. Some of the stones are ten or twelve feet in the bottom of the pond.

Q. How much of a pond was that?

A. Oh, perhaps as big as — twice as big as this chamber, just for a rough guess. There was a system of ponds there, interlocking, like, you know.

Q. Now, what did you do at Leverett Park?

A. Ripped up a roadway and put loam in place of it under the roadway. The ballast I took out of the road I dumped into the pond, also.

Q. What was the object of digging that ballast from the road, as you understood it?

A. Well, to make room for loam. They wanted to make a grass-plot of it, and put loam in there.

Q. How deep did you dump the loam there?

A Well, fourteen inches, I should think, twelve or fourteen. Possibly not quite so much in places.

Q. Was the loam laid on there quite uniformly?

A. Yes.

Q. Or did it vary?

A. I think it was laid uniformly.

Q. An average of about fourteen inches?

A. In that particular place. Further up, I put in two to three feet of it.

Q. How much ballast do you suppose you dug out of there?

A. Oh, a good many loads.

Q. And that, too, was dumped into the pond?

A. That was dumped into the pond.

Q. Have you any idea what that ballast was worth?

A. Well, it could be sent to a crusher and cracked up for stone, used for broken stone. It could be used for various things, or it could be put in for filling, as it was.

Q. Do you know whether or not the Park Department has a crusher?

A. The Park Department has a couple of crushers; but then, it wouldn't pay them to take them up there. The ballast was just as good for filling, as to take it up to the crusher, if they were going to fill the pond, in my opinion.

Q. At Leverett Park, who delivered the loam?

A. You mean the contractors?

Q. Yes.

A. There was contractors named Jacobs and J. C. Coleman & Son, Norton, Whittemore. James Dolan delivered quite a large lot of it, — in fact, most, along the lower end.

Q. Did you have anything to do with the receiving of the loam at Leverett Park?

A. Only for a day or two. It was then taken out of my hands and put into the hands of water boys; that is, they were rated as water boys; they were drawing a dollar a day.

Q. Who were these water boys?

A. P. J. Kilty and Larry Donnelly.

Q. Were they boys, under age?

A. That is a question I don't know.

Q. During the two days you were receiving the loam, did you have these regular check-books?

A. Did I have any regular check-books? Yes, I had them for a couple of days myself; I gave out tickets for the first few loads.

Q. Did you measure the loam?

A. Did I measure the loam? Yes, I measured every cart, — put my rule on every cart; that has been my custom, to handle it myself.

Q. After the task of receiving the loam was taken out of your hands, were you in a position to see the other receivers of the loam while at work?

A. No, I couldn't see one boy while the other was working, certainly not; and sometimes when I would be up with my men, I wouldn't see either one of them.

Q. Do you know whether or not the teams were measured after that?

A. I couldn't say, because, — well, I will tell you this: I went down there a number of times to find fault, for that purpose, because the measurements were short, with Dolan's teams, — where I measured them up to 65 and 70 feet and more, in some cases when I would come down there I would find they were not within a foot of their filling, and called the boys down for it. Of course, they would decrease the checks.

Q. And, that being called to their attention, they would make that note on the stub, — is that it?

A. Well, no, they would rub it out, — change the check. I got them to change the check in quite a number of instances.

Q. And do you know whether or not then the check was given to the teamster who delivered it?

A. Well, the check was given to the teamster, yes, — oh, certainly, yes. You know, with these stub books, the check is given to the teamster.

Q. The deliverer?

A. The deliverer, — supposed to be written out there and handed to him at the time.

Q. In the instance you cited, did you discover this shortage before the team had gone?

A. Yes, myself.

Q. Well, I mean when you spoke to the boys?

A. When I spoke to the boys, certainly. I never heard anything of it if I didn't discover it myself. That is what made me think the boys were not fit to handle such things, or to be entrusted with anything that involved that amount of money.

Q. Well, now, Mr. MacCallum, you say this shortage happened most frequently with the loads delivered by Dolan's men?

A. It happened very frequently.

Q. Well, did it happen frequently enough for you to make any special comment on the fact that Dolan delivered loads that were short?

A. Yes, I kicked about it to Mr. Shea.

Q. And what did Mr. Shea say about it?

A. Oh, well, he told me not to be too severe on them, they were putting it in pretty cheap.

Q. Well, do you know what they were putting it in for at that time?

A. I was told they were putting it in for 66⅔ cents a load.

Q. Are these boys in the employ of the Park Department now that you know, Kilty and Donnelly?

A. Well, I believe Donnelly got into some money trouble, — I don't know just what it was, — relating to some Maguire, — I heard so.

Q. Never mind that.

A. And the other boy, I believe, is in the employ of the department.

Q. Now, to go from there, Mr. MacCallum, you worked at Brighton?

A. Rogers Park?

Q. Yes.

A. Yes, sir.

Q. Now, what were you doing there?

A. I was putting in drainage, culverts, etc.

Q. With catch-basins?

A. Draining, catch-basins, — yes.

Q. You worked there until about the first of this year, is that so?

A. Yes, sir.

Q. Now, Mr. MacCallum, tell us something about the North End Park; tell us what you did there. This was at the beginning of your service?

A. Yes. I began to grade up there, and dig trenches. Dug trenches around the building. I dug along the front of it there, I think you call it the avenue or Commercial street, I don't know which. I dug trenches fifteen feet wide and about four feet deep and filled them with loam; and I done some alongside the paving yard. I also had trenches excavated in front of the administration buildings there, three feet wide and three feet deep, extending around the buildings, which I suppose were to plant vines in.

Q. What did you fill these trenches with?

A. Filled them with loam.

Q. To what depth?

A. To the depth the trenches were excavated, — three feet or so; and the others three feet.

Q. Do you know who delivered loam to you at the North End Park?

A. Yes, sir; a contractor named Eichorn.

Q. And what was the quality of the loam delivered there generally?

A. Well, the first load that came in came in a scow, and it was nothing but salt marsh muck, you would call it clayey, you know, very poor in quality, indeed. I condemned it, refused to let the teams on to it, to haul it up there.

Q. Did you speak to Mr. Pettigrew?

A. I had some words with the contractor, and he went and telephoned to the main office; and Mr. Pettigrew came out in the afternoon and said it was all right, and told me to put it in the trench. I put it in the bottom of the trench, because I thought it was not fit stuff to put on top.

Q. Mr. Pettigrew did order that used after you had condemned it?

A. Yes, he ordered that used, and told him he could send up more.

Q. (By the CHAIRMAN.) And how much did that cost?

A. It cost, Mr. Chairman, I think, ninety cents or a dollar a yard. I can't, — I don't know which, I can't tell you; it was either one or the other.

Q. (By Mr. LUNDY.) Was Mr. Eichorn the only contractor who was delivering loam at the North End Park?

A. Well, he had the teams from time to time, and, — well, I don't know whether there were any sub-contractors under him or not: but I know the tickets were all made out in his name.

Q. Did the loam continue bad that Eichorn was delivering?

A. No, they went back with the scow to get another load, but I believe she sunk in the river, and we never got any more of that. I think they had a lawsuit over the scow. So there wasn't any more of that quality that came in.

Q. After this sinking of the scow, how was the loam delivered to you?

A. Delivered by cart, — by team.

Q. About how much material did you have delivered at the North End Park?

A. By jolly, I couldn't say on the impulse of the moment; but I should say for an estimate, perhaps a thousand yards. I may be wrong. It is pretty hard, you know, — I can't recall it now.

Q. Well, you understood that loam was put in there for the purpose of planting?

A. Planting, yes.

Q. Well, now, do you know whether or not anything has ever been planted there?

A. Well, I have seen it sometime since. I didn't see anything planted there at all. It was all graded over with cinders.

Q. Did you have it graded with cinders afterwards?

A. Yes, I graded it myself, after I put the loam on, put in cinders, up to the wall.

Q. That was two years ago?

A. In the spring of 1898, — put five inches of cinders over it.

Q. What would be the object of putting cinders over loam?

A. Well, that I don't know. That is best known to the Superintendent or the Commission themselves. I never judged their ideas, — never judged from their standpoint.

Q. Now, is there any question, Mr. MacCallum, that at this time some other sort of filling could have been gotten for this purpose, much cheaper than the loam?

A. Well, if they had not intended to plant it in there, there was no reason why they should take that filling out, because it was expensive to dig it and haul it and spread it there, and they could have left it where it was and brought other filling. But if they intended to plant it in there, that is a horse of another color.

Q. But they have not planted it?

A. They have not planted it, as far as I know.

Q. Now, how often did you see Mr. Pettigrew at the North End Park?

A. Oh, I saw him quite often there, sometimes three or four times a week.

Q. And did you ever comment upon anything other than the loam, to Mr. Pettigrew there?

A. No, not that I recall.

Q. Was there any other difficulty there, of any nature, that you recall?

A. No, not that I recall. Do you mean in connection with the stuff delivered, or anything of that sort?

Q. Yes.

A. Oh, no — no, except that I used to have a kick once in a while with the contractor as to the amount of yards he ought to get for what was sent up — in what his teams hauled.

Q. Did you ever mention that difficulty to Superintendent Pettigrew?

A. Oh, no, that is something I settled on the ground with the contractor, myself. If he didn't like the measurement I gave him, he could go somewhere and get some other measurement from anybody he liked. That is all he would get from me, what I considered square.

Q. After that you went to Jamaica park?

A. Yes, sir.

Q. Now, will you describe the work there?

A. I built a cinder sidewalk and excavated a trench along the front of the, — along the arborway there, in line with the, — parallel to the road; about, if I recollect right, four feet wide and four feet deep. And we also put in cross-trenches.

Q. (By the CHAIRMAN.) Where are you now?

A. Jamaica park, this side of Pond avenue — Pond street, as they call it. And we put in cross-trenches there, about fifteen — well, the full width of the sidewalk, four feet wide and four feet deep.

Q. (By Mr. LUNDY.) What did you take out of these trenches?

A. I took out gravel.

Q. Then what was put in the trenches?

A. Loam.

Q. And was there planting done there after the loam was put in?

A. No, — yes, they set up some pin oaks there, — I should think 45 or 50 feet apart.

Q. A large tree?

A. No, very small, — baby oaks.

Q. How much loam did you have there on the average, in those trenches?

A. Well, I couldn't tell you that. I would have to stop to figure it out and calculate.

Q. Did you put as much in the cross-trenches as you did in the regular trenches?

A. Well, yes, I put the same width and depth, practically, I don't know but I put it in deeper, though I never could realize what the cross--trench was for.

Q. What was done with that gravel that you took out?

A. Sent down to Ward's pond for filling.

Q. What were the trenches covered with then?

A. They were covered with cinders.

Q. And by whose orders was that done?

A. Mr. Pettigrew's.

Q. And was that your idea of it, to cover that with cinders?

A. No, I don't believe in cinders, myself, for a walk. I think they are all right for under-drainage. But that is only a matter of opinion on my part.

Q. Now, there were about how many trenches there?

A. Oh, there was a trench to every tree. There might have been twelve or fifteen, I can't recall the number; possibly more. They were dug across the sidewalk.

Q. Do you know who Mr. Dawson is?

A. Yes, sir; I have heard of the gentleman, seen him lots around the place; and he is supposed to be plantsman or head gardener.

Q. Did you have any experience with Mr. Dawson there?

A. Well, I asked Mr. Dawson what the sense of those cross-trenches was; and he said it was so that the park oaks might get the benefits of the neighbor's land, — so that they could benefit from it. But if anybody built up to the stone wall, why, they would naturally put foundations down, and that would shut the roots from going in on the land as projected or intended by the officials.

Q. Have you ever had any experience with that idea of cross-trenches?

A. No; it is something new to me. I never saw it done before.

Q. Where did you go next?

A. I went to Parkman road.

Q. What did you do there?

A. Laid rubble and surfaced along the road there for the foreman who followed after me with the rollers.

Q. Then where did you go? Did you go to Peter's hill?

A. Seems to me I went to Peter's hill, then.

Q. Well, what did you do at Peter's hill?

A. I was sub-grading in a road there, putting in paving, etc., and building catch-basins and drainage.

Q. How great a stretch of road?

A. Well, I started on the Fairview street side of the hill, and continued around toward the lower end — the foot of the hill on the east side, I guess it would be.

Q. Now, on this job did you encounter Mr. Shea?

A. Oh, yes.

Q. And whether or not at any time during the progress of this work you had any discussion with him on the question of how this road should be built?

A. Yes, I had quite a little discussion with him.

Q. Upon what particular subject?

A. Well, I didn't think the road was properly subgraded; in fact, I didn't think it was built on any mechanical idea that I had any idea of or experience in. The subsoil was of a springy, clayey nature, and it seemed to me when any amount of travel would come over this road, in the method which was followed, that the clay was bound to work up through it, and keep it continually wavy — in motion all the time; that it would be very hard to get a bottom put in, to make a good bond, particularly with the kind of stuff which was used to cover it in, which was an open bank gravel.

Q. How much discussion did you have with Mr. Shea upon that question?

A. Very little discussion. I was simply told to do as I was told. I found out it didn't do to have discussions or to know anything. It was better for me to keep quiet.

Q. Mr. Shea told you that he thought that the number of inches provided for there was sufficient?

A. Yes, he seemed to think so. Under the paving that was laid there, there was not but two inches of fine gravel put in there. And I have never seen, myself, less than six put in anywhere, and it ought to be eight.

Q. Now, personally, have you seen this road since?

A. Oh, yes.

Q. Well, have you noticed any of those effects that you thought were calculated to result?

A. Well, I never considered it a well-built road at all; in fact, I consider it a very poor piece of mechanical construction. It seemed to me like money wasted, the way it was built.

Q. I know, but have you noticed any defects in that road at any time since?

A. Well, the defect is that it never had a bond, — never was brought to a proper bond, was never finished properly. After a rain-storm, you can stand on the road and dig your heel right in that far (indicating), which you cannot do on a properly built road. If they had put a couple of inches perhaps, — under the method employed, there was neither, — well, you couldn't call it ballasted, neither could you put in Telford nor what you call macadam, but if they had put in a couple of inches of open bank gravel, and put these stone in, they might have kept the clay down, but it was not done.

Q. How about the gutters in that road?

A. Well, they were laid by Dolan; and they were ripped up again, the greater part of them that were laid, and relaid by Gore, and those have been relaid since.

Q. Which Dolan is this?

A. James Dolan, the contractor, — I mean.

Q. The same Dolan we have referred to before?

A. Yes, sir.

Q. You say that was torn up?

A. Yes.

Q. And relaid?

A. Yes.

Q Within what space of time was it relaid, — or rather, torn up?

A. Why, it was torn up the following spring, — well, within a very short space of time; I can't recall it just now. It was while I was on the work.

Q. And the road was relaid by Gore?

A. The road was relaid by Gore, quite a little of it.

Q. Now, what, if you know, was the matter with that road as first constructed, — with those gutters?

A. Those gutters?

Q. Yes.

A. Well, they were not wide enough, — nor neither did they have dish enough, nor there wasn't sand enough or fine gravel to keep the frost from throwing them; they didn't have proper bedding.

Q. What do you mean by "throwing them"?

A. Well, the sand being so thin underneath, they would be liable to lift one way or the other.

Q. As a matter of fact, do you know whether or not that did occur?

A. Oh, yes, there was pavers out there while I was working there last fall, and Mr. Pettigrew and myself went around the hill and looked at it and straightened up a good many sections; we filled up, in there, twenty-eight to thirty feet, — sometimes as many as forty feet, we filled up in there.

Q. Who should you say were responsible for that bad construction in the first instance?

A. Well, when I remonstrated with Mr. Shea, and told him there should be more than two inches put in there, and that the pavers were not doing right, that they should lay the paving on the big end instead of on the small end, he told me that that suited Mr. Pettigrew, and suited him. He said that it was all the stuff Mr. Pettigrew wanted to put in.

Q. Then you do not attribute any of the damage to the contractor's men?

A. No, if they were allowed to lay it by the mile for the sake of getting their money on the contract, that is all right. It is none of my business if I am told to let them.

Q. Then it was by the working out of this Pettigrew-Shea system that that line of gutters which was laid had to be taken up and had to be relaid?

A. I should say it was. It certainly was not mine. I never left any monuments after me, anywhere I worked.

Q. And was the bed of the road properly prepared there?

A. No, sir. The stone were just hauled in and dumped there, and it was neither rubble or ballast. It was what we call randoms — larger sized cracked stone hauled in there and rolled; in fact, they had been rolled too much.

Q. Now, where did you go next, or what work did you do after that road that you have just described?

A. I went to the Alfred-street playground, in charge of the ice. That was in the middle of January. I stayed there some five or six weeks, when I was transferred to Franklin Park.

Q. There was nothing done, was there, at the Alfred-street ground that could be done wrong?

A. No, sir.

Q. Then you went to Franklin Park?

A. Yes.

Q. What did you do there?

A. Oh, I dug tree-holes and loaded stone, and various kinds of work; nothing, that I know of, that would interest you in any way there.

Q. Well, where did you dig tree-holes?

A. Oh, down Columbia road.

Q. And the tree-holes there — how were they filled?

A. Oh, just — the loam that was taken out was put back again, with the addition of a little more that was hauled there by teams. All I did was dig the holes. That was nominally under the control of the gardeners.

Q. Now, Mr. MacCallum, in your experience at Franklin Park or any of these places, were you ever instructed to leave tally-boys in charge of the loam?

A. Yes, instructed everywhere to do it except at the North End.

Q. Were you ever told that you might go, or were you ever told to go home on Saturday afternoon and leave it entirely to them?

A. Yes, I volunteered to stay there to see the loam was delivered in the right places, etc., and that it was the right quality. But Mr. Shea and Mr. Pettigrew came down one afternoon, and Mr. Shea waited till Mr. Pettigrew got 20 or 25 feet ahead of me, and he gave me a nudge two or three times on the elbow, and told me I needn't stay around. And I took the hint and went.

Q. Mr. Shea said so.

A. Yes, Mr. Shea said so.

Q. Have you seen, at any time, this Dolan in company with Mr. Shea?

A. Yes.

Q. Have you ever had any conversation with either of them when they were together?

A. No — yes, when they would be in the buggy together I might have conversation with one.

Q. You have never had any conversation with either of them on the subject of loam, when they were together?

A. No, not when they were together — no, I had it with Shea alone, and with Mr. Pettigrew.

Q. Just another question on the subject of Peters Hill. How about the drainage there?

A. The drainage of — what do you mean?

Q. On the hill there, the arrangement for the drainage. Have you gone thoroughly into that?

A. Well, I don't consider the basins of very good construction or workmanship. I agree with Mr. Jeffery in what he says in regard to the poor quality of materials, etc. We had a bricklayer there, laying them by the thousand; and his chief object seemed to be to slap brick in; he didn't care exactly how well it was done, as long as he could get the brick in.

Q. Well, the man you considered a poor bricklayer?

A. I considered him a poor bricklayer, and I objected to him strongly to Mr. Shea, but he said Mr. Pettigrew liked him, considered him all right, and that is all there was to that.

Q. Mr. Shea said that?

A. Yes, sir.

Q. Who was that man, what was his name?

A. Sawyer.

Q. Did you ever have any other man of that description forced upon you?

A. No.

Q. Have you ever had occasion to stop men, doing different lines of work under you, for doing it improperly?

A. Yes, I stopped this Sawyer, but he was n't stopped very long. He was put to work again in about five minutes by general foreman Shaw.

Q. Then it is an actual fact that incompetent work was permitted to remain?

A. It so stands to-day.

Q. Did you ever appeal from any decision of that nature made by Mr. Shaw to Mr. Pettigrew?

A. Do you think I wanted to lose my head?

Q. I don't imagine you did.

A. No, well —

Q. You never did?

A. No, I never did.

Mr. LUNDY — I think that is all.

Q. (By Alderman JORDAN). Did you ever see any loam, in your opinion, wasted by the Park Department?

A. Well, alderman, my testimony as a tree expert or shrub expert I am sure would not go very far; but this much I do know, I have put loam into Leverett Park, on the upper end, very deep; and when I had put it in two feet deep, and was afraid to put it in, Mr. Pettigrew came along and told me to go ahead and put it in deeper, — "Put it in, we need lots of it here; don't be afraid of it." So it went in. And it was finished afterwards; I could n't say what depth it was, because another foreman finished it, I was taken off of there.

Q. You would have considered that an extravagant use of loam?

A. Yes, I would. I would consider some of the loam that was sent up there not up to standard anyway. Some that Dolan sent in I objected to — said I didn't believe it was good; in fact, I knew it was not good — not what I would call good loam. I would hesitate, I was going to say, to use it for filling. I won't put it as strongly as that, but I didn't consider it good loam.

Q. How much loam should you say was used that way?

A. Oh, it is a pretty hard matter to estimate. Perhaps 500 loads. It is pretty hard for me to answer a question as broad as that.

Q. How broad were these trenches at Jamaica park where the oaks were planted?

A. Do you mean the trench that ran parallel with the road or the one that ran across it?

Q. I mean the parallel trench.

A. About four feet wide and four feet deep.

Q. And in that place an oak was planted every 40 or 50 feet?

A. Every 45 feet to 50 feet, I think.

Q. Did you consider it necessary to have had so long a trench for oaks planted that distance apart?

A. Well, you don't seem to get the drift of that, I guess.

Q. As I understand it — well, you might explain.

A. We will say that this is Jamaicaway, running this way (indicating), and these cross trenches went in the other way, at right angles; so these would go all right — they were all right. But, if what you are getting at is these side trenches, I myself never saw any use of them. But of course I am not a judge of matters of that kind.

Q. How much material should you say was used on the cross trenches?

A. Well, there was a good deal used. I wouldn't want to say.

Q. Would you say 500 loads?

A. No, — no, — no, I wouldn't, nowheres near it. I should say there was, — well, it would be hard for me to estimate. I would have to stop and figure it out.

Q. Would there be more than a hundred loads? You might estimate it that way.

A. Oh, no, there wouldn't be over a hundred, — no.

Q. Do you know what the additional cost at Peter's Hill was on account of having to make the gutter over in places?

A. Well, I think the additional cost was a great deal.

Q. Have you any idea what it would be?

A. Well, I should say it would increase the cost of the work fifty per cent. over what it ought to be.

Q. And if it had been constructed properly in the beginning, you do not think there would have been any necessity for making it over?

A. No, sir. It isn't made over properly now, in my opinion.

Q. Do you know anything about that stone fence near Jamaica Pond.

A. No, I am sorry to say I do not.

Q. I was simply asking that for Dr. Gerry's benefit.

A. Oh, yes, I don't know anything about that. I had nothing to do with it.

Q. (By the CHAIRMAN.) Mr. MacCallum, do you know a young man named Larry Donnelly?

A. Yes, he worked for me up to about October 26th last, I think.

Q. What about him? Tell us what you know about him.

A. Well, all I know is, that he left me and went to drive his brother's team. His brother has a team there, and he left me and went to drive his brother's team.

Q. How long was he on the pay-rolls of the department after he went to drive his brother's team?

A. Well, I should think naturally his name on the pay-roll of the department would cease the day he left me to drive his brother's team. And I understand the teams are paid $3 a day and furnish the driver, the single carts, and I don't know that his brother got any more than anybody else.

Q. Did his name continue on the pay-roll?

A. Well, yes, I heard it did.

Q. Well, do you know it did?

A. Well, no, I don't know that it did. All I know, that is what Donnelly told me, himself, that it was continued on the pay-roll for two weeks.

Q. Who drew his money, himself or somebody else?

A. Well, I heard Joseph Maguire drew it.

Q. Who is Maguire?

A. He is a young man, timekeeper out there.

Q. Is that the young man that was in the office?

A. Yes, that is the young man that was in the office.

Q. And he was drawing this Donnelly's money?

A. Yes.

Q. Do I understand you to say he was not working for the city then?

A. That is what I understand; yes, he was working on his brother's term.

Q. On his brother's team?

A. Yes, I should think his brother had a right to pay him, not the city.

Q. And Maguire was drawing his pay?

A. So I understood. I don't know that, Mr. Chairman, from personal knowledge, you know. There are others who would know that. But I know about his name going over on to Shea's book; at least, he told me, in personal conversation, himself, that his name went on to Shea's book, and was there for two weeks.

Q. (By Alderman CODMAN.) I haven't got these cross trenches clearly in my mind. They ran at right angles to the trench parallel to the road?

A. That is the idea, sir.

Q. And they ran from the road?

A. To the land adjoining.

Q. To the land adjoining?

A. Yes.

Q. On to the land, or just as far as the —

A. As far as the line goes.

Q. Just to the line?

A. Yes, sir.

Q. And how far apart are these cross trenches?

A. Well, in that particular instance they were, if I remember it right, 45 or 50 feet apart. I can't say, only by judging how the work got along.

Q. About as far apart as the trees?

A. Yes, I should judge so.

Q. And that was to steal the richness from the other people's land?

A. I believe that was the intention, as Mr. Dawson told me.

Cross-Examination.

Q. (By Mr. MATTHEWS.) These cross trenches were at every tree, weren't they?

A. I think they were.

Q. The idea was, to give the roots of the trees a chance to spread by the longitudinal trenches, and at right angles in these cross trenches?

A. Possibly, yes, I suppose that was it. I can't say what their idea was.

Q. Well, that seems reasonable, doesn't it?

A. Well, yes.

Q. Now, in regard to the ballast that you say was put into the pond along Leverett Park, or Ward's pond, you say that if the ponds were to be filled, in your judgment that was a proper use to make of your ballast?

A. Did I say so?

Q. You said so, as I understood you.

A. Oh, which stone have you got reference to? The rustic stone, or the old ballast that came out of the road?

Q. The ballast, I think you said.

A. The ballast that came out of the road?

Q. Yes, you might just as well dump it into these ponds as put it anywhere else, if they were to be filled up.

A. Well, they were principally field stone, round cobbles.

Q. Well, they might just as well be used that way as any other?

A. That is what I said. I so stated it, myself.

Q. That is, provided the ponds were to be filled?

A. Yes, sir.

Q. Now, do you know why these ponds were filled up?

A. Do I know?

Q. Yes.

A. Well, I don't. I think that was merely a question of a change of plans, or landscape effects, on the part of the superintendent or the authorities in charge.

Q. Do you know why the plan was changed?

A. Do I know why it was changed?

Q. Yes.

A. No, I do not.

Q. Do you know what the ponds were originally built for?

A. I believe they were built for pools, artificial pools, or something, to stock with fish. So I have been given to understand.

Q. Built for a fresh water aquarium?

A. Yes.

Q. And did you know it was proposed to establish a society?

A. Yes, I have heard something of that.

Q. To furnish the money and stock the pond and maintain it as an aquarium?

A. I have heard something of that.

Q. And you have heard that the plan had to be abandoned for lack of financial support?

A. I didn't hear that.

Q. You knew it was abandoned?

A. I didn't know what had become of that. It didn't interest me enough to find out just the way it was left.

Q. Do you happen to remember how much flow of water there was in those ponds and in those streams?

A. Do I happen to remember how much flow of water there was?

Q. Yes, how much flow of water was there on the average?

A. No, I couldn't say. It was something I did not inquire into.

Q. They were very frequently dry, weren't they?

A. They ought not to be.

Q. They were, weren't they?

A. If they were, it was because the gates were opened, and they were allowed to dry.

Q. Do you know what the effect of draining Ward's pond was upon that whole water system?

A. Of draining Ward's pond?

Q. You know Ward's pond was drained out once, and deepened, don't you?

A. No, I don't remember anything about that. You remember I was only in the department two years. You forget.

Q. You don't remember Ward's pond, five or six years ago, was drained out, and the bottom lowered?

A. No, I don't.

Q. And you do not know what the effect of that was upon the water level of that whole stream?

A. No.

Mr. MATTHEWS.—That is all.

The CHAIRMAN.—Is there any further question that any member of the committee desires to ask Mr. MacCallum? You reserve the right to call him again, do you?

Mr. LUNDY.—Yes.

Re-direct Examination.

Q. (By Mr. LUNDY.) How much loam altogether did you place in the North End Park?

A. Well I can't recall that, I think I answered you a thousand yards, though I wouldn't say, I might be a hundred yards out of the way, possibly more, I would have to stop to figure up. I couldn't say from what I remember what I actually put in. When these check books are given out, that is the end of them, we never see them again.

Q. (By the CHAIRMAN.) Do you know anything about these watering carts in the park?

A. No, I know nothing about them, they were before my time. All I know is, they were used on the work where they were, there were certain carts that were used there that were pointed to me as having been sold to Jim Dolan by the park authorities, and then he was allowed to use them on the park. They looked to me to be very good carts. It seemed to me if they had a proper sprinkler put into them at some expense they could be utilized.

Q. Have you any idea what they were sold for?

A. I heard they were sold for $50 apiece. I don't know, I wouldn't give that as evidence, for I don't know of my own knowledge.

The CHAIRMAN.—If there are no more questions the hearing will close until Tuesday afternoon at two o'clock and I would ask Mr. Matthews and the Park Department to have their books here.

Mr. MATTHEWS.—What books?

The CHAIRMAN.—Well, the books that counsel have asked for.

Mr. MATTHEWS.—Will you tell me what you want.?

Mr. LUNDY.—Yes, I will, principally the loam books, the stub books, the checks and stubs.

Adjourned at 9.55 P.M. to meet on Tuesday, March 20, at 2 P. M.

SECOND DAY.

CITY HALL, March 20, 1900.

The hearing was resumed in the Aldermanic Chamber, City Hall, at 2 o'clock P.M., Chairman Norris presiding, and all the members present.

Appearances: Same as before.

The Chairman, in calling to order, said:

The committee will please come to order. Counsel will proceed with the next witness.

Mr. LUNDY. — Mr. Chairman, if you please, I understand that Brother Matthews has a little statement to make.

Mr. MATTHEWS. — Mr. Chairman, I am obliged to inform the Committee that Mr. Pettigrew is ill. He has been taken down with what appears to be the grip, and is likely to be confined to his house for several days, if not for a week. The Commissioners have no desire to ask the committee to postpone the hearings altogether, but would like this privilege, that Mr. Lundy will not put on witnesses affecting Mr. Pettigrew or the administration of so much of the department as is under his care, in his absence. There are other branches of the case that I should suppose Mr. Lundy could go on with, such as the records, which are here and which can be gone into with the Secretary.

Mr. LUNDY. — Mr. Chairman, I was about to say that I agree with Brother Matthews in that matter, and am willing to accede to that request. I think it hardly fair to put on any witnesses affecting the character or standing of Mr. Pettigrew during his absence. It embarrasses me somewhat, as this afternoon I intended to go into the particular subject of Mr. Pettigrew and his understrapper, Mr. Shea. But I can continue the hearing with some other witnesses, as Mr. Matthews suggests, going into the matter of records. At the same time, I would ask the Chairman to urge upon Mr. Matthews the vital necessity of bringing Mr. Pettigrew here as soon as possible, for this reason, that Mr. Pettigrew, as the evidence appears to me now, is the vital object of this inquiry. For that reason, I would not want Mr. Pettigrew to be delayed, by grip or anything else, for very many hearings. I want to get him here as rapidly as I can. If I should fall short on anything this afternoon, I would simply say in explanation of it that I had intended to examine, not Mr. Petti-

grew, but witnesses affecting him and Mr. Shea particularly. I will go ahead and, of course, as a matter of courtesy and common fairness, not mention the name of Mr. Pettigrew any more than is absolutely necessary.

Mr. MATTHEWS. — What we object to in Mr. Pettigrew's absence is an examination of witnesses affecting those matters that come under Mr. Pettigrew's jurisdiction. I think counsel have agreed that that is proper.

Mr. LUNDY. — Exactly. That is proper.

Mr. MATTHEWS. — And, of course, Mr. Pettigrew will come as soon as possible, as soon as his physician allows him to be out.

The CHAIRMAN. — When did you get the first notice of Mr. Pettigrew's illness?

Mr. LUNDY. — When Mr. Matthews spoke of it just now.

Mr. MATTHEWS. — I didn't hear about it until this noon.

Mr. LUNDY. — This isn't a matter of any importance at this present moment, except that I should like Mr. Pettigrew, or some representative of his to be here at a very early date.

The CHAIRMAN. — The committee will so request. Counsel will proceed now with his next witness.

TESTIMONY OF GEORGE F. CLARKE. — *Recalled.*

Q. (By Mr. LUNDY.) Mr. Clarke — I am not going to call you as a witness, perhaps, but just what records have you brought here to-day?

A. I have brought the records of the meetings of the Board since the beginning of this inquiry.

Q. Well, that covers a period of four years, does it?

A. Practically, yes. The records begin in June, 1896.

Q. And that comprehends just what — all contracts?

A. That comprehends the letting of contracts, the action taken by the Board with reference to contracts.

Q. And real estate matters?

A. And real estate matters.

Q. For the last four years?

A. Yes.

Mr. LUNDY. — Then I will ask Mr. Stratton to take the stand again, please.

TESTIMONY OF CHARLES E. STRATTON. — *Recalled.*

Q. (By Mr. LUNDY.) Now, Mr. Stratton, since our last hearing have you taken any measures to refresh your memory upon the different subjects inquired into then?

A. Not further, I think, than by conversation. I don't remember that there was anything I consulted the records about.

Q. Well, have you actually looked at any record or any writing to refresh your memory upon the particular subjects into which I inquired at the last hearing?

A. No, I have not.

Q. Well, now, I will refer for a moment to that contract for the restaurant privileges at Marine Park. Now, Mr. Bow holds that contract?

A. Yes.

Q. Have you taken any pains to inquire into Mr. Bow's contract?

A. No. I supposed that would be here to-day.

Q. But you have not personally inquired into it?

A. No.

Q. Well, whether or not this is something you can answer — whether or not you knew Mr. Bow was a citizen of Boston at the time that contract was granted to him?

A. I don't remember.

Q. Well, whether or not, Mr. Stratton, you ever heard that he was not a citizen of Boston?

A. I did shortly after the contract was made.

Q. And at that time, Mr. Stratton, you understood that he was a citizen of Hingham, Mass., did you not?

A. Well, it was some neighboring town.

Q. Now, do you know where Mr. Sheldon belongs?

A. No, I do not.

Q. Well, have you any reason to believe that he belongs in Boston?

A. I don't know. The contract was made with Mr. Sheldon before I was on the Board, but I have been told, I know, within the last few years someone has told me, that he lived in Weymouth, I think.

Q. That Mr. Sheldon does?

A. At least it was some few years ago someone told me that he lived in one of the towns on the south shore.

Q. Well, you made no personal inquiry into the subject of the privilege at Marine Park, did you?

A. Since the last meeting?

Q. At any time since you have been in the Board?

A. Oh, certainly. I saw the contract when it was made with Mr. Bow.

Q. Well, I mean, have you taken the trouble, Mr. Stratton, to inquire what would be the average rates that a man should pay for those privileges in Marine Park?

A. The contract was made after considerable consideration. It was not particularly in my province at the time. I was not Chairman, and what was done subsequently I

think is a part of the work that was not particularly given to me to do.

Q. Well, I suppose that is true, Mr. Stratton, but when you went on that Board, you, of course, made certain inquiries into the state of affairs before you assumed membership upon it?

A. No, I think I did not give much consideration to those matters before I went on the Board. I took the job at the suggestion of one or two friends, and was asked by Mayor Quincy to decide very quickly.

Q. I know, but after you got on the Board, Mr. Stratton, you certainly did not enter on your duties without making some inquiries as to the actual condition of the department?

A. I think, as I answered you at the last hearing, I endeavored to learn as I went along. We drove over the parks and I picked up the information from time to time.

Q. Then, as a matter of fact, you did not inquire into the conditions or the particular considerations of any single or particular contract existing at the time you became a member of that Board?

A. Whenever a contract was called to my attention I read it over.

Q. No, but I mean that, as a matter of original inquiry, you did not make any effort to find out about anything, did you?

A. I think that is putting it rather broadly.

Q. Well?

A. It was rather a wide subject to grapple with, and these things would present themselves from time to time.

Mr. LUNDY. — Excuse me a moment, Mr. Chairman. Mr. Clarke, if you will let me have your books of record, beginning with 1897 or 1898, whichever your earliest book is, or any books since Mr. Stratton's appearance on the Board, I would like to examine them.

(Mr. Clarke produced the books.)

Q. (By Mr. LUNDY.) What do you remember, Mr. Stratton, as to the first real estate transaction the Board of Park Commissioners engaged in after your advent upon that Board?

A. I went on the Board, I think, in May or June, 1896.

Q. Mr. Hodges was a member of the Commission at that time?

A. Yes, he was the Chairman.

Q. Now, as you remember it, what was the first real estate transaction with which you are familiar, as a member of the Board?

A. Since May, June, 1896 — I forget the exact date when I became a member of the Board — do you wish to know which was the first real estate transaction?

Q. The first real estate transaction?

A. No land was bought, that I remember of, before land was taken at Old Harbor, but, at the same time, I may be mistaken.

Q. Well, that is your first recollection?

A. Of any taking by the Board or purchase by the Board.

Mr. LUNDY. — If the witness and the Chairman will pardon me, I will have Mr. Clarke find the record, to save time, of that first real estate transfer. Can you do that readily, Mr. Clarke?

Mr. CLARKE. — I will search for it (examining the books).

Mr. STRATTON. — It is possible that the Neponset play ground was taken first.

Mr. CLARKE. — Do I understand that you want the record of the first settlement, Mr. Lundy — the first settlement, or the taking of land, the preliminary action taking land?

Mr. LUNDY. — The first real estate transaction — I don't care whether it is a taking or a settlement. I want the minutes of the particular transaction by which any land was taken by the Board of Park Commissioners from anybody.

Mr. STRATTON. — That is, the taking, a fresh transaction — not the settlement of an old one?

Q. (By Mr. LUNDY.) No, the original taking under your administration?

A. I should say the Neponset playground was one of the early takings.

Mr. CLARKE. — The Neponset playground was the first.

Mr. LUNDY. — That was the first? Well, will you hand me, Mr. Clarke, whatever record you have of that?

(Mr. Clarke handed the record to Counsel.)

Mr. LUNDY. — Are there any other records of that?

Mr. CLARKE. — Records with reference to settlement for those lands? Yes.

Mr. LUNDY. — I mean upon this particular subject, at this time?

Mr. CLARKE. — No, that is the whole record, continued away down to the end.

Q. (By Mr. LUNDY.) Now, Mr. Stratton, Mr. Henry B. Blackwell owned a certain interest in that land?

A. Yes.

Q. Estimated by your Board at $1,600 for 53,100 square feet? I only ask you approximately.

A. If that is in the record. I really couldn't say as to the details.

Q. Now, Sarah E. Pratt owned 43,850 square feet, and that is figured up at $200. That is your record here. Now, you took the trouble at the last meeting, Mr. Stratton, to tell me that Sarah E. Pratt was no connection of the Pratt who was a Commissioner on your Board?

A. If my answer was not responsive I am sorry, and withdraw that part of it.

Q. It was not responsive, but that information was given to the committee. Now, whether or not you know anything to the effect that Miss or Mrs. Pratt was no connection of the Commissioner?

A. I remember the name, because it was the same as Mr. Pratt's, and I also remembered at the same time Mr. Pratt's saying it was no relative of his. That is all I know about it.

Q. Where does Mr. Pratt live?

A. In Neponset.

Q. This same section?

A. Yes.

Q. Now, you have here a number of names on your records — Blackwell, Stark, Pratt, Brown, Crandall, Stark, Pratt, Pratt *et al.*, Swan, Newhall, Willard and Woodman — now, with whom of those people do you remember that you had dealt in regard to this land?

A. I don't remember seeing any one except Mr. Blackwell.

Q. Well, did you deal with any attorney?

A. Mr. Blackwell had an attorney at one time.

Q. Well, who was that?

A. It seems to me he had more than one. I am not sure, but it seems to me he had two different attorneys.

Q. Well, state as to that now, Mr. Stratton, if you remember?

A. I could not remember — at least, I cannot now.

Q. Then, so far as you remember, Mr. Blackwell was the only one who had an attorney?

A. I think there might have been some attorney of correspondence. I saw no attorney except one for Mr. Blackwell, and perhaps two for Mr. Blackwell — I am not quite sure.

Q. Why were no inquiries made, why were no consultations held, with any other proprietor of that land?

A. I dare say there were. I merely say that I did not have them.

Q. Well, you would have if the Board consulted with them officially, would you not?

A. Well, they might have seen the secretary; they might have seen the chairman. What is the date of that transaction?

Q. That is dated December 14, 1896.

A. I was the junior member of the Board. It was in Mr. Pratt's locality and it was very likely, as he was the one most conversant with that place that they would have seen him, and he would have reported to the Board.

Q. At the same time, after you took your position on the Board you took an active interest, did you not?

A. I did.

Q. And perhaps you were as active as at the present time, although not so responsible?

A. Yes.

Q. Now, at that time did Mr. Clarke have absolutely anything to say about real estate transactions?

A. He had no voice — he had his duty to attend to, listened to people who came and reported to us. Some of these people may have come before the full Board. I only say what my recollection is.

Q. Now, as a matter of fact, you depend largely on Mr. Clarke for information?

A. On certain matters. Of course he represents us at the office. He is the representative there, and he has to listen and report to us.

Q. I know, Mr. Stratton, but, to pin you down to this exact matter at that time, so far as you were concerned you depended to some extent on the information and advice furnished you by Mr. Clarke — that is so, is it not?

A. That is so in part, yes.

Q. Exactly, and at this time would you wish to say what weight he had — this time I have referred to?

A. His weight would be as nothing compared to that of Mr. Pratt, who was in the locality.

Q. Well, would his opinion on the matter of location have any weight as regards your opinion on the matter?

A. I should not suppose that Mr. Clarke's opinion of the value of land there would have affected us materially.

Q. Well, perhaps not; but, Mr. Stratton, when you came on that Board you understood that Mr. Clarke was practically the executive head, didn't you?

A. Well, he was the representative of the Board at the headquarters.

Q. And you would think the only salaried employé of an

unpaid commission would be supposed to know rather more of the details than anybody else connected with the commission, wouldn't you?

A. I should, yes.

Q. And the only information you had on that subject came from Mr. Clarke?

A. No; I beg pardon. I said Mr. Pratt and Mr. Hodges undoubtedly saw these people, and Mr. Pratt, who lived in the locality, was probably the one most of them saw.

Q. Well, did you have any vote on the subject of taking that Neponset Playground?

A. Undoubtedly.

Q. Why undoubtedly?

A. Because I suppose it would be absolutely necessary. The City Council requested us to take it and appropriated the money, and I suppose it would be absolutely necessary to make a legal taking, that we should vote to take it.

Q. And I should suppose so too; but you have already stated that a vote of two of your Commissioners constitutes a vote of the Commission?

A. Yes.

Q. I ask you distinctly whether you remember that you voted on that particular question?

A. I have no doubt I did, but of course it would be impossible, looking back four years, to say that I voted on every proposition that may be referred to. Except when I may have been out of the city, which was seldom, my remembrance is that I attended every meeting, and, of course, I desire to see the business through and vote on every proposition.

Q. Now, as far as your memory goes, you have no distinct recollection of that transaction?

A. I remember the taking of the Neponset playground, but I should not dare at this time to state, although I should probably state correctly, whether I voted on any particular proposition four years ago.

Mr. LUNDY. — To save time, Mr. Chairman, I will ask Mr. Clarke to find the records of the next real estate transaction after the Neponset playground. I don't want the secretary of the Board to do my work, but, to expedite matters, I would like to have him find that.

Mr. CLARKE. — I have found it — on the same day.

Mr. LUNDY. — On the same date?

Mr. CLARKE. — Yes, sir.

Mr. LUNDY. — What transaction is that — what land?

Mr. CLARKE. — What we call Billings Field.

Mr. LUNDY. — Where is that located?

Mr. CLARKE. — That is in West Roxbury — Coleman and Lyons.

Q. (By Mr. LUNDY.) The next transaction we have, Mr. Stratton, concerns the taking of land at Billings Field, taken from Coleman and Lyons. Are you at all familiar with that?

A. I remember that transaction. The City Council in that case voted the money and requested us to take it.

Q. Well, now state exactly and as briefly as you can, Mr. Stratton, what the attitude of the Board is when an order is passed by the City Council to take certain land?

A. We feel that it is entitled to great weight.

Q. Yes, but, as a matter of fact, it is not absolutely incumbent upon you to take that land if your judgment should decree otherwise?

A. If our judgment was contrary, we certainly should not take it.

Q. Now, state how your judgment met the action of the City Council on the subject of this land at West Roxbury?

A. It agreed with the City Council.

Q. Your recollection is perfectly distinct on that?

A. Yes.

Q. Do you remember what you paid for that land?

A. It went to suit, and the jury made the city of Boston pay a great deal more than we thought it was worth.

Q. And do you recall what you thought it was worth at that time — per foot, I mean?

A. I can only give an approximate statement.

Q. That is all I want?

A. I should say somewhere between 20 and 25 cents per foot.

Q. And what did the holders of the Coleman and Lyons land want?

A. My own recollection is that they asked at least as much as 40, and I don't know but 50 cents

Q. Well, as you remember it, did anybody except the Coleman and Lyons estate wish you to take this land?

A. My recollection is, certainly yes. We certainly had citizens of West Roxbury come to us — I cannot say at this date exactly, but it seems to me there was some vote of the citizens' association out there in regard to the matter.

Q. Requesting you to take this land?

A. Yes.

Q. This land you took from the original owners?

A. Yes.

Q. And you don't suspect in that instance any bonding or speculating transaction to increase the value?

A. Not at all, no.

Q. Then, as far as the decision of the court went, they awarded something distinctly in excess of what you thought the land was worth?

A. They did, yes

Q. Well, did it at that time occur to you that that particular piece of land, notwithstanding the petition of the citizens and the order of the City Council — did it strike you that that land was necessary for a playground or a public park at that place?

A. Well, it seemed to us a desirable place for a playground.

Q. And whether or not at the present time, Mr. Stratton, you are familiar with that particular playground?

A. I know it. I have visited it.

Q. And at the present time would you say that the idea of taking it had been justified?

A. I think so.

Q. By the present conditions?

A. Although I must say that if I had known how much we would have had to pay for it I should have hesitated.

Q. Upon the matter of expense you think it was a poor investment?

A. Well, I cannot say that, because the playgrounds are for all time, and the day will come when you cannot get them, and in this case the jury said the land was worth so much per foot.

Q. I understand. I don't want to put you in an unfair position. But, taking things at the time, as they were, you would not have advised the taking at the price the jury afterwards awarded?

A. I should have been slow to do so. I won't say that I would not have done it.

Mr. LUNDY. — Now, if Mr. Clarke will find the next transaction for me.

(Mr. Clarke pointed out a part of the record to counsel.)

Mr. LUNDY. — This is what taking, Mr. Clarke?

Mr. CLARKE. — This is the taking of what is called the Freeport-street triangle, a small taking.

Q. (By Mr. LUNDY.) Now, Mr. Stratton, are you familiar at all with the taking of the Freeport-street triangle, so-called, in Dorchester?

A. I remember the taking, I think. It was a very small one.

Q. A matter of 6,263 square feet, $4,000 — that was taken by one of your usual acts upon such subjects. Now, do you recall anything definitely concerning that taking?

A. No, excepting that I simply recall the fact that there was a taking of a little triangle there.

Q. Well, do you recall whether or not at that time you took any personal view of that triangle?

A. I don't think so. My recollection is that in that matter I relied upon the judgment of Mr. Pratt, who was a Dorchester man, that it was an advantageous thing to do. I forget whether the City Council requested us or not.

Q. Well, up to date, Mr. Stratton, you have taken entirely the word of Mr. Pratt on the taking of land, or have relied on the recommendation of Mr. Clarke, or some member of the Board?

A. I don't think you are stating my position quite correctly. In regard to the taking of land, with the exception of these, practically, I have relied upon my own observation. I relied upon Mr. Clarke's report, occasionally, in settlements, of what people said.

Q. Well, I mean as far as we have gone. You took the Neponset playground and this other plot we have just discussed, from Coleman and Lyons, and this triangle at Freeport street, and there isn't any one of those takings that you had personal observation of?

A. I personally observed Neponset playground and Billings Field.

Q. Before they were taken?

A. Oh, yes. In regard to values, I relied on Mr. Pratt largely, as one very familiar with and a long resident of that locality; but the Freeport-street triangle I am not sure I saw at all.

Q. Well, do you remember any discussion of values in that case?

A. No, in a matter of 6,000 feet in Mr. Pratt's locality, where he had lived so many years, I should have undoubtedly taken his judgment.

Q. Well, do you know whether or not that piece of ground was taken agreeably to the owners, or whether some litigation ensued?

A. I think there was no suit. That is my recollection.

Q. You think, then, what they asked was paid?

A. I think it was settled by agreement. That is my remembrance.

Q. You have no distinct recollection whether the agreement caused you any deliberation or not — I mean any unusual deliberation, of course?

A. No, I don't recall any unusual deliberation over the price.

Q. Well, you think there that the agreement was fairly amicable?

A. I think so.

Mr. LUNDY. — Now, Mr. Clarke, if you will find the next transaction in your record?

Mr. CLARKE. — I think the next one is this of June 23, 1897 — no, there is one previous to that, I think. Here is one of June 9, 1897, sir.

Mr. LUNDY. — What taking is that?

Mr. CLARKE. — That is what we call the Strandway. You will see it on this page (referring to book).

Q. (By Mr. LUNDY.) Now, about June 9, 1897, Mr. Stratton, do you recall a taking of land at the Strandway?

A. That is the taking, I think, of the land at Old Harbor, so called.

Q. Yes. Now, is that taking the one you referred to the other day, in which there was considerable collusion upon the part of the owners?

A. Well, I should not put it in exactly that way, but my recollection is that when we came to settle with people there we found that in one instance there had been a bonding, or a new person or persons had come in and obtained an interest in the land recently, about the time we were discussing the matter.

Q. And that made you a little bit suspicious?

A. Well, I thought someone had got wind of what we intended to do.

Q. Now, just what investigation was made by your Board upon that subject?

A. I doubt if any was made.

Q. Well, did you proceed to take the land?

A. Oh, I beg pardon, — the land had been taken.

Q. Payment had not been made, had it?

A. After the land had been taken we found, when we came to settle, that there had been a recent change of ownership.

Q. Then, that discovery by your Board had no material effect upon the eventual settlement, did it?

A. I don't think they were treated with any more consideration for that reason.

Q. Well, were they treated with any less?

A. I think they were.

Q. In what respect, Mr. Stratton?

A. I think there was a closer bargaining made, as far as we could do so, as to the price.

Q. I know, but you can go only to a certain extent in bargaining with any owner. How did you obtain any advantage over them?

A. I don't think that we got any, but our attitude was not as yielding when we were bargaining with them.

Q. Well, it isn't yielding with any owner of lands, is it?

A. Well, I think one's attitude in trade varies, perhaps, from time to time, according as you think you may succeed.

Q. Now, in purchasing land for your department, Mr. Stratton, why should it differ in one case from another?

A. Well, I suppose it is human nature. I think if you were on a Board and you thought your deliberations were kept secret, and found when you had taken a piece of land owned by two people that one person had owned it for forty or fifty years and the other person had owned it for only a few days, it would be only human nature that you would be a little stiff when you dealt with the man whom you thought had obtained knowledge of the matter through some secret channel of information.

Q. But the title would be the same, Mr. Stratton?

A. Quite so.

Q. And the value to your Commission of the land would actually be the same?

A. Quite so.

Q. Do you recall who the owners were of that land — that particular piece, I mean?

A. I should not want to say without looking it up, because I might name a wrong name.

Q. Now, I don't expect you to be a book of records, Mr. Stratton, but I would like you to state it as you remember it — it is all professional, of course.

A. If I could look at the list of people we settled with, I think I could find out the person.

Q. You name the owner you suspect of bonding, of collusion?

A. Well, "collusion" is a hard word, but someone found out, that is all.

Q. Who awakened your suspicion?

A. Must have been someone. This is probably the record of the title of the first of May. We settled with someone whose name isn't here.

Q. Well, why is that, Mr. Stratton?

A. Because this list, I presume, is not the list of the people who had the ownership at that time.

Q. Well, you have some actual record, memorandum of the persons you actually took from, haven't you?

A. Oh, undoubtedly. We have the record of settlement. The particular lot is here, but it is under the name of the owner prior to that time.

Q. Now, do you mean to say that you don't keep a record where there has been no actual settlement — for instance, where it is in litigation?

A. That would be the only record — when we came to settle, after the suit had been ended, there would be a record then of the person with whom we settled.

Q. Do you make a record of suits pending against you?

A. There might be a record like this, but the settlement of this case was referred to the Law Department.

Q. Beyond that would there be any substantial memorandum?

A. No, it would be only on the files of the Secretary, I suppose.

Q. Then, all you can say on that subject, Mr. Stratton, is this, that after some suspicion had been cast on one of the holders of those properties here the land was taken?

A. No, after the land was taken we found, we had reason to think, from the fact that we had to deal with a person who came recently into the ownership of it, — we had cause for suspicion, naturally, that someone had obtained information that we were thinking of taking this land.

Q. Then, as a matter of fact, you remember there was a feeling of this kind, but you came to a settlement, an agreement, with the respective holders?

A. We came to an agreement with them, yes.

Q. And would you say that they took what you wanted to give them any more than you gave them what they wanted?

A. No, but we came to an agreement.

Q. But there was no litigation there?

A. No.

Mr. LUNDY. — Mr. Clarke, your next transaction?

Mr. CLARKE. — I see by the record that there was a transaction in advance of June 9 — the North End Playground, May 23. That comes a little earlier.

Q. (By Mr. LUNDY.) Now go back to the transaction of May 23, Mr. Stratton. Are you familiar with that?

A. What we call the Prince-street Playground.

Mr. CLARKE. — May 25, I think.

Mr. LUNDY. — May 25, yes.

Q. (By Mr. LUNDY.) Do you recall what dealings you had personally, Mr. Stratton, with any of the holders of that land?

A. Well, several of them came to us from time to time there.

Q. In what capacity?

A. As owners, or as represented by attorneys, or the attorney with the owner.

Q. Merely upon the question of price?

A. Yes.

Q. Well, why did you take that playground there? Was that because of any measure passed by the City Council?

A. That was in consequence of a vote of the City Council — an appropriation of money and a request that we should take it.

Q. Well, you don't recall whether or not that taking was made within the appropriation or outside of it, do you?

A. I am very much afraid it took more money than they appropriated.

Q. Now, what is the rule on that, Mr. Stratton, — that is, as to taking land outside of the appropriation, in advance of the price of the City Council?

A. Well, I was certainly, as a member of the Board, and I think the other members of the Board were, surprised at the excess over the assessed valuation in the real value of the lands. The valuation there was so low that we thought the price would be less. My recollection is that the City Council — that the Mayor told us that the City Council relied on a certain percentage over the assessed valuation.

Q. Who was Mayor then?

A. Mayor Quincy, I think.

Q. And your commission found that the assessed valuation of that land was considerably below what you considered to be the actual value?

A. What at the time we took it we considered to be the actual value.

Q. Now, did you in taking that land go above or below the actual appropriation made?

A. We did not go above the actual appropriation?

Q. Did you go considerably less than that?

A. I fancy, I presume, that we took it at the valuation, probably, and not on the basis of the appropriation — perhaps a little under.

Q. Well, do you recall, Mr. Stratton, anybody who appeared at that time as a holder of land having appeared at any later date as a holder of land which your Commission has taken?

A. It is possible.

Q. You might look at that list, Mr. Stratton.

A. I don't see there any name that I recall.

Q. That has ever appeared since?

A. No.

Q. As a holder of land you have taken?

A. I don't recall any.

Q. Mr. LUNDY. — Now, Mr. Clarke, I think that is all on that — if you will find the next transaction, the second one beyond that.

Mr. CLARKE. — June 23, 1897.

Mr. LUNDY. — What was that?

Mr. CLARKE. — The Mystic playground.

Mr. LUNDY. — That is in Charlestown?

Mr. CLARKE. — In Charlestown.

Q. (By Mr. LUNDY.) Now, Mr. Stratton, on that taking of the Mystic Playground in Charlestown, are you at all familiar with the details of the taking of that land?

A. Well, that is a small playground by the Chelsea bridge, I think they call it, on the river.

Q. Do you know why your Board took that?

A. I think we had a vote of the City Council and an appropriation.

Q. Do you remember whether or not you kept well within the appropriation in purchasing that land?

A. I am very sure we did, there.

Q. Did you have any personal opinion as to the advisability of taking that particular piece of land for a playground?

A. I thought it was a very good locality, and I thought we got it cheap, I remember.

Q. And you saw that personally before taking it?

A. Yes.

Q. And whether or not you recall that the vote of your Board was unanimous on that at that time?

A. I have no doubt it was. I should recollect if it wasn't.

Q. Do you recall by whom that land was owned?

A. I think it was owned by the Boston & Maine Railroad.

Q. Who dealt with you in taking that land of the Boston & Maine Railroad?

A. I should say it was done by correspondence.

Q. Well, as you remember it, or as you know it now, Mr. Stratton, is that piece of property adjacent at all to any service property of the Boston & Maine Railroad?

A. I think not. It stands by itself there, and I think they took it for some purpose — that is, my recollection serves me, in general, that they took it for some purpose that afterwards they didn't care to use it for, and my recollection is also that they sent us a letter in which they said they would sell it for the assessed valuation. That is my recollection. I will not be exact about that, but we certainly thought it was a reasonable offer.

Q. Do you recall who wrote you or with whom you dealt on the part of the Boston & Maine?

A. I do not. I am quite sure it was done by correspondence. We had this offer. We had this in writing, I am very sure, that they would make, and they made, a very reasonable offer by letter.

Q. And that offer or statement or proposition, whatever it may have been, upon the part of the Boston & Maine Railroad, of course was made after you had decided to take that land?

A. I think not. I think that in this particular case my recollection is that we had a certain leeway, that the vote of the Council did not restrict us to this particular locality, and we did look at another wharf which was more expensive.

Q. Then you mean to say that, so far as you recollect, the Boston & Maine Railroad voluntarily made a proposition to you before your commission had taken any action on any particular ground?

A. My recollection is that Mayor Quincy and the Board went to Charlestown and went along the water front to see what we could do in the way of getting a small playground there.

Q. Now, so far as your recollection goes, Mr. Stratton, do you recall going with that commission?

A. Yes.

Q. With Mayor Quincy?

A. Yes.

Q. And whether or not you recall that any other piece of property there in Charlestown appealed to you as strongly for the purpose as this did?

A. No. We looked at another wharf, but the price, as I remember it, stood in our way.

Q. Well, did you consider that as a piece of ground, itself.

A. Yes, we did.

Q. Now, it was some time after, I presume, that you got the estimated price upon this?

A. Yes.

Q. Do you recall whether or not Mayor Quincy made any suggestion upon the advisability of taking that particular piece of ground?

A. I should say that he did. I think it is quite possible that Mayor Quincy got this letter from the Boston & Maine.

Q. You think it is possible that he got the letter?

A. Yes.

Q. Then, do you wish to state that Mayor Quincy referred the letter from the Boston & Maine to you, or that your commission originally got it?

A. It is quite possible that the Mayor asked the Boston & Maine to write us the letter.

Q. It is quite possible — almost anything may occur — but do you remember distinctly whether this came directly to your commission or whether Mayor Quincy referred it to you?

A. My recollection is that we got it directly, but I cannot say now.

Q. What do you mean by "directly"?

A. I mean I couldn't be sure whether the letter was sent to us directly from the Boston & Maine Railroad or whether it came through the Mayor from the Boston & Maine Railroad.

Q. You mean to say this, that you eventually received the letter from somebody's hands?

A. Yes.

Q. And you don't know now whether Mr. Quincy sent it or not?

A. I thought I made it clear that either the Boston & Maine sent it directly to us, or through Mayor Quincy.

Q. It was practically the same thing?

A. Yes.

Q. But you eventually got the letter — you are not sure whether you got it as a Board of Park Commissioners or whether the Mayor got it and referred it to you; that is so, is it?

A. That is possible; yes.

Q. And you don't recall the name or locality of any other playground under discussion, that you discussed while on the Commission with Mayor Quincy and your Board?

A. At Charlestown?

Q. Yes.

A. If I had the map I think I could point out the other wharf we visited.

Q. Only one?

A. We went along the whole river front, but there was only one we considered, gave any great consideration to.

Q. From the matter of location, I suppose?

A. Yes.

Q. And you don't recall at this time who the owners of that were?

A. No; I could point it out on the map.

Q. At any rate, they were not considered?

A. No, their price was high; if I remember right, their price was very much in advance of the Boston & Maine.

Q. Now, did you request their price, or did they voluntarily furnish one to you?

A. Well, I suppose we must have asked it.

Q. But you are perfectly distinct upon the point that the Boston & Maine did furnish you with certain figures?

A. Yes.

Mr. LUNDY. — Now, Mr. Clarke, if you will find the next one.

Mr. CLARKE. — Here it is. (Handing book to counsel.)

Mr. LUNDY. — This is what, Mr. Clarke?

Mr. CLARKE. — This is the Fellows-street playground.

Q. (By Mr. LUNDY.) This was in August, 1897. Now, Mr. Stratton, do you remember the transaction of August, 1897, in reference to the Fellows-street playground?

A. Yes.

Q. And that also, I presume, was by an order passed by the City Council?

A. That is my recollection.

Q. (By the CHAIRMAN.) What street is that?

A. The Fellows-street playground.

Q. That is in Roxbury?

A. Yes.

Q. (By Mr. LUNDY.) Do you know who the owners of that property were?

A. I cannot give their names.

Q. Well, was there a party named Barry in interest?

A. It is quite possible.

Q. Well, with whom did you deal upon that, if you dealt at all?

A. Well, it is quite a small playground.

Q. Yes.

A. And there were three or four, I should say, at least, owners of little houses.

Q. Two, four, six?

A. Six, perhaps. I do not recollect in regard to those settlements with any particularity.

Q. Do you recall whether or not His Honor the Mayor took any part in that transaction?

A. Mayor Quincy took a great interest in playgrounds.

Q. I understand that.

A. I think he had an interest in it — I don't recall any particular interest, any more than that, as you probably know, that was one of his particular hobbies.

Q. Well, did you consult, Mr. Stratton, upon this subject of playgrounds, or any particular playground, with His Honor Mayor Quincy, as Mr. Stratton, aside from being a member of the Board?

A. No.

Q. Had no conversation upon these subjects?

A. No; except, of course, if he talked with me individually he talked with me as a Park Commissioner.

Q. I understand, as a member of the Board, not as a personal matter; but I meant, did you talk with him individually?

A. Well, it would be merely the chance that I was at City Hall alone, but usually when we had any business we went to his office together.

Q. Now, upon that Fellows-street playground, do you recall whether or not any other person in any way connected with the city government in any way consulted with you or your Board?

A. I don't remember any.

Q. Well, do you know Councilman Connolly?

A. Yes — Timothy L. Connolly?

Q. Yes.

A. Yes.

Q. Do you remember having any conversation with him upon that subject?

A. I should be inclined to think we did, but I couldn't say whether as owner or as representative.

Q. Well, he is not named here as an owner, so I presume he was a representative, Do you recall where you held those conversations with Mr. Connolly?

A. If I held any at all, they were at the Park headquarters. I don't recall his ever coming to my office in reference to this matter.

Q. Well, you can recall specifically this, that you did hold a conversation with Mr. Connolly on this subject?

A. No, I cannot say that, yet it seems to me he was interested in the matter of this playground, certainly by correspondence. I am quite positive he was interested.

Q. But do you remember any correspondence now that you had with Connelly upon that subject?

A. My recollection is that the correspondence was particularly since the playground was taken in regard to its management and care.

Q. Well, from your answers so far, your most material correspondence upon any of this land has been subsequent to your taking it?

A. Yes.

Q. Now, you cannot recall where you talked with Mr. Connolly about this matter, if at all?

A. If I talked at all, it was at the headquarters of the Park Department.

Q. Have you personally seen the Fellows-street playground?

A. Yes.

Q. Do you know what its present shape is?

A. I haven't seen it this winter.

Q. Well, since it went into its present form?

A. Yes.

Q. And whether or not your department had anything to do with making the fence about it?

A. Yes.

Q. Now, who was consulted in the matter of the laying-out of that playground at Fellows street?

A. I think it was done in our engineer's department.

Q. Was there any suspicion of bonding in that transaction, Mr. Stratton?

A. I don't remember any.

Q. Well, you would remember it if there had been, wouldn't you?

A. I should think so.

Q. Can you recall at this time who owns the land adjacent to that playground?

A. I don't remember. There were a few small parcels, and I don't remember having any suspicion that there had been any recent transfer.

Q. Well, now, referring particularly to the actual ground taken, can you remember distinctly who held any of the land immediately adjacent to that ground?

A. I don't know at all, no. No, I never had any information.

Q. Well, did you ever hear that Mr. Connolly did?

A. No.

Q. Did you ever hear that Mr. Connolly was the prime promoter of that scheme to have a playground there?

A. No, I never did.

Q. Can you say to this committee, Mr. Stratton, just why a playground was established out there?

A. No, I cannot except that the City Council voted to have it so.

Q. And you cannot remember who brought it forward — took the initiative in the City Council?

A. No.

Q. Then you would not say that it was not a plan of Mr. Connolly's?

A. No, I would not.

Q. How well do you know Mr. Connolly, Mr. Stratton?

A. Slightly; I have seen him perhaps two or three times, — I should say not oftener than that, — and have had some little correspondence on the care of this ground.

Q. Well, to what extent on the care of the ground?

A. Well, I think he has made requests or complaints once or twice about some minor particulars.

Q. Well, no more than that of an ordinary citizen?

A. No, no.

Q. And do you recall anything distinctly as to the value of that ground — I mean the assessed valuation?

A. I couldn't tell you now.

Q. Well, do you remember now whether in that case you paid in excess of the assessed valuation?

A. I should think it was safe to say we did in every case where we have taken land.

Q. Well, particularly in excess in that case?

A. No, I don't recall it.

Q. And you have no recollection of any bonding or suspicion of bonding in that case?

A. No.

Q. Do you recall whether or not there was litigation over the taking of any part or parcel of that land?

A. I think not. I don't recall any.

Mr. LUNDY. — Give me the next case, Mr. Clarke, if you will. The next case is what?

Mr. CLARKE. — September 13, 1897. This is the taking of the Fairview street entrance, as we call it, to the Arnold Arboretum.

Q. (By Mr. LUNDY.) Now, about the taking of that land at the Fairview street entrance of the Arnold Arboretum, Mr. Stratton?

A. We wanted to have an entrance to the Arnold Arboretum from Roslindale, and we took a small tract of land to give us an entrance there.

Q. Well, who first suggested that idea to you?

A. I should say that, in all probability, it was Professor Sargent.

Q. And who owned that land, if you remember it?

A. It was a woman. I think I heard Mr. Clarke give the name — Hickey.

Q. Was that land taken without recourse to litigation?

A. Yes.

Q. Taken at her price, or the price of the Board?

A. Well, it was taken at something betwixt and between.

Q. A sort of compromise?

A. Yes.

Q. And do you remember who represented the holders there?

A. I think it was Mr. Cadigan.

Q. That was the real estate man?

A. Yes.

Q. Well, you dealt with no attorney there?

A. No.

Q. Then you practically made a purchase of this land through Cadigan, the real estate broker?

A. I think the settlement was made through Mr. Wheelwright. He had the dealings there.

Q. Who was Wheelwright?

A. He had the position then of a member of the Board, under ordinance of the city.

Q. And Mr. Wheelwright at that time acted for your Board in the taking of that land. Is that so?

A. Well, this was a matter that we gave him charge of, simply for convenience sake.

Q. Well, you mean by "convenience sake," that for convenience or any other reason your Board delegates the duty or province of taking land to any member of your Board?

A. We might delegate it.

Q. Well, wouldn't you go over the transaction?

A. We should.

Q. Before the final settlement was made?

A. Yes.

Q. Now, Mr. Stratton, do you consider it a profitable or wise method of doing business to do business with a real estate broker, when you might as reasonably and easily get at the owner?

A. Well, I don't remember particularly, and my recollection is that Mr. Wheelwright would be a better witness. I would say that Mrs. Hickey preferred that Mr. Cadigan should represent her.

Q. You are pretty distinct on that?

A. Yes, but Mr. Wheelwright could tell you exactly.

Q. Well, as far as you know?

A. Mrs. Hickey preferred that Mr. Wheelwright should deal with Mr. Cadigan.

Q. Did you have a talk with Mr. Cadigan on the subject of this land?

A. I won't be sure, but I think not.

Q. Did you make any particular inquiry into it?

A. I inquired about the place, certainly.

Q. And, as you recall it at that time, did the valuation appear to you to be fair?

A. It was more than I would like to have paid, myself. I was disappointed that we didn't get it a little cheaper — I will say that.

Q. And don't you think you might have got it a little cheaper if you had dealt with the owners?

A. That is possible, but we had confidence in Mr. Wheelwright's judgment and in his way of handling the matter.

Q. Then, in that case, whatever credit or discredit there is for the taking of that land you shift to Mr. Wheelwright, who was delegated by the Board to do that?

A. No, the Board has to stand the brunt.

Q. And the Board took that position on the matter?

A. Yes.

Q. And the Board thought it wise to deal with a real estate broker, Mr. Cadigan, rather than to go directly to the source of the matter. Is that so?

A. It was understood that Mrs. Hickey preferred that this representative should speak for her.

Q. Well, ordinarily, if you were purchasing a piece of real estate or anything else, would you prefer to deal with the direct owner or with a broker, whom you understand must get a profit from one end or the other?

A. I should certainly prefer to deal with an owner directly, unless the owner was a very difficult person to deal with, as is sometimes the case.

Q. Well, do you understand, as a matter of dollars and cents, that an owner is any more difficult to deal with than a broker?

A. Sometimes, where the owner is a woman, it is harder to deal with her.

Q. I can comprehend that, in the case of a woman, but don't you think it poor policy, as a member of that Board and as its present chairman, — don't you think it rather poor policy to deal with a broker in these matters?

A. I should, of course, prefer to deal with the parties directly.

Mr. LUNDY. — That is all. Now, the next transaction, Mr. Clarke, please.

(Mr. Clarke examined the books.)

Q. (By the CHAIRMAN.) Do you remember what that land was assessed for, Mr. Stratton?

A. I know that we paid more than the assessed valuation, as we always do.

Q. How much more?

A. It certainly was double. That is my recollection.

Q. (By Mr. LUNDY.) By the way, Mr. Stratton, when did you first come in personal contact with Mr. Cadigan?

A. In this transaction?

Q. In any transaction.

A. Mr. Cadigan used to be, I think, with Meredith & Grew. That is my recollection. I saw him probably a good many years ago.

Q. You don't recollect, Mr. Stratton, any particular person presenting Mr. Cadigan to you, do you?

A. No. It would not have been necessary, because I have known Mr. Cadigan a good many years.

Q. Well, you don't remember any particular person rather prominent in City Hall who refreshed your recollection of your acquaintance with Mr. Cadigan, do you?

A. I do not. It would not have been necessary, and I am not sure that Mr. Cadigan came to see me. Still, I think he did. But we allowed Mr. Wheelwright to make the settlement — subject, of course, to our approval.

Q. How long did Mr. Wheelwright remain on the Board?

A. I should say about a year.

Q. Well, he occupied the position of an ordinary member of the Board?

A. Yes.

Q. Well, now, why was Mr. Wheelwright delegated to do this particular purchase or to take care of this particular work?

A. I don't recall.

Q. Do you know any reason why any member of the Board should be delegated to do the purchasing of real estate?

A. No, but in the settlement, for instance, of anything in Dorchester, we should have said that Mr. Pratt was more familiar with the matter, and we would say to him: "See these people, or let them see you"; and Mr. Wheelwright was the nearest in locality to this land. He lives in Jamaica Plain.

Q. Yes, but at some distance from this particular piece of land?

A. Yes, but nearer than Mr. Pratt, who lives in Dorchester, or myself, who live in Boston, at the Back Bay.

Q. As a matter of fact, aren't you as near that Fairview street entrance as he is?

A. I am not sure — haven't measured it. It is in the country, you know.

Mr. LUNDY. — What is the next transaction, Mr. Clarke?

Mr. CLARKE. — The Christopher Gibson lot.

Q. (By Mr. LUNDY.) Now, Mr. Stratton, we come on November 1, 1897, to the taking of the Christopher Gibson lot. What do you recall about that? Was there an ordinance, or rather a measure, passed by the City Council in regard to that?

A. That is my recollection.

Q. Instructing you to take that?

A. Yes.

Q. Now, cannot you recall what holders, owners, you dealt with in that case?

A. In that case it was the city of Boston.

Q. The city owned that?

A. Yes, it was a part of what is called the Christopher Gibson fund for school purposes.

Q. And that was taken November 1, 1897. Do you recall how much land there was there, Mr. Stratton?

A. It is divided, if I remember right, by Geneva avenue into two parts, and I wouldn't like to state exactly.

Q. Well, that transaction was carried on just as you would carry it on with an individual owner?

A. We were allowed a certain amount of money, as I remember it, by the vote of the City Council, and we paid that amount of money to the City of Boston, to another department of the City of Boston.

Q. I understand; but there would be no particular advantage in dealing with the city rather than with an individual owner, would there?

A. The advantage, I suppose, of taking it out of one pocket and putting it into the other.

Q. I understand; but so far as dollars and cents are concerned, you would have to do the same with the city as anybody else?

A. Well, I think a little different.

Q. Why?

A. Well, that is something that I think we can all answer equally as well as myself.

Q. You answer.

A. There was no one to litigate with us particularly, or to say we hadn't paid enough, if it was satisfactory to ourselves.

Q. Still, the right of litigation must be there just the same?

A. I think there might be some difficulty in carrying it out.

Mr. LUNDY. — Now the next one, Mr. Clarke. We will get through this pretty speedily.

Mr. CLARKE. — I think the next one is May 29, 1899. I don't find any between.

Mr. LUNDY. — No transfers between the last part of 1897 and 1899?

Mr. CLARKE. — No takings. Of course, there were settlements for land.

Mr. LUNDY. — But no original takings?

Mr. CLARKE. — No original takings. This is Columbus avenue.

Mr. LUNDY. — This is at Camden street, then.

Q. (By Mr. LUNDY.) Now, May 29, 1899, Mr. Stratton, certain land was taken on Columbus avenue by your Commission, and that was taken directly upon the recommendation of His Honor the Mayor, was it?

A. Well, he was the one who first called it to our attention; yes.

Q. Well, do you recall who owned that land?

A. It was in what we called ribbon strips — half a dozen, I think, long strips of land, which were partitioned some sixty or seventy years ago — the Sumner heirs, as I remember it. It lay in back of Columbus avenue, between that and the Boston and Providence Railroad.

Q. Do you remember with whom you dealt in those cases?

A. Mr. James H. Stark had obtained an agreement from, I should think, twenty or thirty different owners, that they should sell this piece, I think, for a dollar a foot.

Q. Is this the same James H. Stark we referred to back here a year or two, in the Neponset business?

A. In connection with the Neponset playground.

Q. Was he one of the owners?

A. He was, certainly.

Q. One of the owners in one of those pieces of property?

A. Yes.

Q. Wasn't Mr. Stark a pretty familiar figure to you?

A. He was after the Columbus avenue playground got started — saw a good deal of him after that.

Q. Mr. Stark is not a real estate broker, as you understand?

A. He owned one of these strips, as I remember it, and he went to work and got the owners of these different strips to agree. Some of them were family pieces, and I think he was the only one who owned one by itself, and he obtained for us or brought to us this agreement, from twenty or thirty people, for an option on this land.

Q. Now, did Mr. Stark get the agreement from those owners on account of any suggestion on the part of the Board of Park Commissioners?

A. I should say that it is possible, but Mr. Stark was quite eager to have the thing put through, and I should think very likely he got it of his own free will.

Q. But you don't at this time recall whether or not your Board or any individual member of your Board instructed Mr. Stark to go and perform this work for you, do you?

A. I think not. I think it was a labor of love on his part.

Q. Well, did you have any specific, particular agreement with Mr. Stark for obtaining these signatures?

A. No, no.

Q. Well, to whom was the money in settlement paid?

A. It was paid, must have been paid, to the owners of these ribbon strips. That is my certain recollection.

Q. Individually?

A. Yes.

Q. Do you recall whether or not any of the owners of these different ribbon strips had an attorney?

A. I do not, but I am positive that these contracts were drawn in favor of the different owners.

Q. The different owners, naturally. Now, Mr. Stark owned only one of these strips?

A. Yes.

Q. Do you remember what the assessed valuation of Mr. Stark's particular strip was?

A. No, I do not.

Q. Do you remember whether at the time of the settlement Mr. Stark's strip differed in price from those of the other owners?

A. No, they were all to be put in at a dollar a foot.

Q. Now, did you personally look at the land you were taking there in these strips?

A. Oh, yes.

Q. Was there any difference, from your personal observation, in the value of these different strips of land?

A. I shouldn't suppose there could be any. The one which was a little nearer Columbus avenue might, of course, have a little more value.

Q. And that was owned by whom? Do you remember?

A. I don't remember. They were all back lands, pretty near.

Q. Well, during the time that that land was taken how many conversations did you have, do you think, with Mr. Stark?

A. Well, Mr. Stark was a frequent caller.

Q. And who was the most common object of his calls — yourself, or some other member of the Board?

A. Well, I think any member of the Board that he could reach.

Q. And whether or not there was any distinct understanding with Mr. Stark for getting these signatures?

A. No, there was not.

Q. Was that matter settled by litigation — payment for those lands?

A. No, it was not. We took their option.

Q. And do you remember in percentage how much more, above the assessed valuation, you paid for any part or the whole of that land?

A. Well, the whole of that land — I don't know the details, but taking the whole four or five acres, I don't know but that there were as much as five or five and one-half acres; it is the most satisfactory purchase to me that we made.

Q. Why?

A. I think it was only 15 per cent. above the assessed valuation.

Q. But you haven't taken anything that has amounted to much more than 15 per cent. in excess, have you?

A. I wish we could say that.

Q. It has gone higher?

A. Yes.

Q. It hasn't gone higher in any of the strips we have discussed this afternoon, has it?

A. Yes, I remember the Prince-street playground.

Q. That went how much in excess?

A. This, of course, is rather in the nature of a guess, but my recollection is that it must have been fifty per cent. above the assessed valuation.

Q. Well, on this particular piece of property, Mr. Stratton, had you any idea how much more or less than the assessed valuation the property really was worth — I mean to your view, at the time you looked at it?

A. Well, we felt that if we could get property at the corner of Columbus avenue and Camden street, such as this large strip, it was, of course, a consideration — that if we could get it for $1.37 a foot we would be doing a prettygood thing for the city.

Q. Well, in such transactions, does your Board become personal at all and ask a man what he paid for it? Do you ever go that far in your business?

A. Those questions are asked.

Q. And do you recall in this particular instance whether those questions were asked and answered?

A. No. These ribbon strips had been held in these families for years.

Q. Well, then, to wind up that matter, the man who was particularly interested in the taking of those strips was Mr. Stark?

A. Yes.

Q. And the terms proposed by you and by them were acceptable to Mr. Stark?

A. Yes.

Q. Then he really was, perhaps, the most momentous mover in that transaction on either end?

A. Yes. I don't think anyone else could have got those twenty or thirty people to sign the option except a person of his untiring industry and energy.

Q. And, as you remember it, no one of those other individual owners took as much trouble as he did?

A. No.

Mr. LUNDY. — That is all. Mr. Clarke, you will find the next transaction.

Mr. CLARKE. — Here it is (handing book to counsel).

Q. (By Mr. LUNDY.) Now, Mr. Stratton, we come to a transaction of July 18 of last year. That is where you took the property at Wells avenue, isn't it, the Costello property?

A. Yes.

Q. Now, you have testified that your first suggestion to take that land came from the owner himself?

A. Well, I should say either from him or from the Mayor.

Q. Well, we have got it down to two men there. In the testimony the other day, as you recall it, to be exact, did you not say that you did get a letter from Mr. Costello suggesting the taking of that land?

A. I don't know whether that was the first suggestion made to us or not. It was either made through a letter from Mr. Costello or an interview with the Mayor.

Q. Was there any ordinance or measure passed by the City Council authorizing or commanding you to take that land?

A. No. This was taken under the playground act, so called, so that the money is furnished us under this playground act.

Q. How much money is furnished you under that act?

A. Five hundred thousand dollars, no more than $200,000 to be spent in any one year.

Q. Well, how much since you have been a Park Commissioner have you spent to take playgrounds under that act?

A. Four hundred thousand dollars.

Q. And the Park Commission, as a matter of fact, now has $100,000 to spend?

A. Yes.

Q. Do you know whether or not you have on record in the office of your Commission any letter from Mr. Costello?

A. I do not. I think there must be letters, because I think I have seen some letters about the price, and whether before the taking or after I don't know.

Q. Have you seen Mr. Costello, the owner of that property, in company with Mr. Quincy?

A. I have no recollection of ever seeing Mr. Costello.

Q. Never at all?

A. No.

Q. Would you say whether or not he had ever seen any member of your Commission in company with the Mayor?

A. I don't know; I couldn't say.

Q. That matter of settlement is still in litigation?

A. Yes.

Q. How many conversations do you say you had with Mayor Quincy on the subject of taking that land?

A. Well, I should say two or three.

Q. And was the subject of taking that land the particular object of the conversation with Mr. Quincy?

A. Well, probably in connection with other playground takings. We were to meet the Mayor and go over the playground question.

Q. I understand, but individually you were not in the habit of meeting Mayor Quincy many times during the week during last year, for the purpose of discussing the taking of playgrounds, were you?

A. Well, whenever the Mayor thought of taking playgrounds he sent for us. He was a great enthusiast, you know, on that subject.

Q. I know; but, in his enthusiasm, did he send to you in regard to playgrounds this last year?

A. He would call on us generally on the subject of playgrounds, and this one among others.

Q. What I want to nail you down to is this: the Mayor displayed more or less interest in this playground, didn't he?

A. Well, he had a particular interest in this playground. He did display an interest in taking this.

Q. And he was particularly anxious that you should take it?

A. He thought we should take it — said so.

Q. Did Mayor Quincy assign any reason why you should take that one?

A. He spoke of its nearness to the school-house built there.

Q. But you know the school-house has ample grounds for the accommodation of the children during recess hours, hasn't it?

A. Well, the extent of this particular yard I am not familiar with. They don't have any too much ground, I notice, as I go about.

Q. But you know they have a yard there at the Gibson School, don't you?

A. I don't think any more than is necessary for the ordinary orderly conduct of their recesses.

Q. What more does a school require, Mr. Stratton?

A. Well, I can still remember when I went to school that I thought the yard was very small, and I fancy the boys still think so.

Q. Well, isn't that the object of a yard — to be rather confined?

A. Precisely, and therefore to have a playground near by where they could run and play, seemed to us very desirable.

Q. But you understand this, that very few pupils in school-houses live in the immediate vicinity of the school-house?

A. Take the Prince-street Playground, for instance, — one of the reasons for that was that it was in the vicinity of the Paul Revere School.

Q. That is another thing, Mr. Stratton, but in regard to this Dorchester Playground, you say they did have a yard which was ample for recess purposes, anyway?

A. Yes.

Q. Now, you know there is a strip of land there measuring 200,000 feet, don't you?

A. Yes.

Q. And you know that land is owned by Mr. Costello?

A. Yes, it was.

Q. Well, part of it still belongs to him, as far as you know?

A. Yes.

Q. And you know a proposition was made to you by Mr. Costello, Mayor Quincy, or someone in his interest, to take the whole of that land, don't you?

A. Yes.

Q. You know it was suggested that the whole of that land be taken for a playground?

A. Yes.

Q. And the price of that land, as I remember you testified the other day, the price you thought it was worth, was about 25 cents a foot?

A. That is as much as we thought it was worth.

Q. Do you recall what the assessed valuation was — more or less?

A. I should say less. We felt that we must pay more than the assessed valuation.

Q. But you thought 25 cents a foot, which was more than the assessed valuation, was enough for that land?

A. Yes.

Q. And you yourself had some question as to the advisability of taking that particular plot of ground?

A. Yes, I did.

Q. Do you know why they took a portion of that ground for a playground, and not the whole of it?

A. Yes, I think I do. I know at least how I felt about it, and I know the members of the Board agreed with me.

Q. Was that in compromise with you, because of your views?

A. Yes, sir; because I certainly felt that the playground was a desirable one, and was willing to take, say, 100,000 feet in spite of its being comparatively near other playgrounds, but not to take 200,000 feet.

Q. I was about to say that Mr. Quincy, with his enthusiasm and his knowledge of the playground subject, knew you already had three playgrounds within a radius of, perhaps, a mile?

A. Well, I think the radius is a little wider than that.

Q. Well, very little more, isn't it?

A. But it was certainly near the Christopher Gibson ground. That was my objection to it.

Q. And it was in a section where you have four playgrounds already — or at that time had three playgrounds?

A. Yes.

Q. And you decided to take 95,000 feet there?

A. Yes.

Q. Do you know whether Mr. Costello or the Mayor, or anybody interested in that taking, had any conversation with Mr. Clarke?

A. No, I do not.

Q. Although they possibly have had conversation with him officially on this subject?

A. Well, Mr. Costello might after the taking, or even before, have seen the Secretary.

Q. But I mean officially, Mr. Stratton, would it be possible for the Secretary to have any influence on your Board in the taking of that particular piece of land?

A. Oh, dear, no.

Q. You have said you had no personal conversations with the Secretary in regard to these transactions?

A. I would say that if we asked him his opinion in regard to the taking of a particular playground, it would be because it was in a locality with which he was familiar, and we would ask him the same as we would any other person for whose judgment we had respect. But, taking playgrounds in Dorchester, we would not ask Mr. Clarke, who is not a resident of that locality, whether he thought it was a good thing to take them.

Q. But you would, to a certain extent, take his advice on the matter?

A. Well, certainly we should to a certain extent take Mr. Clarke's suggestion. We would listen to his suggestion.

Q. Do you recall Mr. Clarke's telling you that he had any conversation with Mr. Costello?

A. I don't now, no.

Q. You think it is quite likely he did?

A. Well, I don't recall now Mr. Clarke's saying that he had any talk with Mr. Costello, although he might have had about the price, afterwards.

Q. Now, do you recall any suggestion made to you by Mr. Quincy, any suggestion concerning any other plot of land in which Mr. Costello was interested.

A. No, I don't.

Q. None whatever?

A. Not knowing — there may have been about some land, but I don't remember it in connection with his ownership. I don't remember anything that he owned except that, although there may have been.

Q. Then we will drop that matter in this way — your vote was given on this as a compromise?

A. Yes.

Q. You wouldn't accept the whole of the land, as recommended by the Mayor or Mr. Costello?

A. No.

Q. But you were ready to accept 95,000 feet, or something in that neighborhood?

A. Yes.

Q. And you gave your vote for the support of that measure because it was next to a school-house?

A. Yes.

Q. And because His Honor the Mayor was rather strenuous in the matter, and because — perhaps this is rather unfair — and because the owner really wanted to sell it?

A. No. Mr. Costello really is a stranger to me.

Q. But he really did want to sell it, didn't he?

A. That was immaterial to me. I don't know.

Q. I understand — no insinuations, but he was more than strenuous to sell that particular piece of land to your Commission, was he not?

A. I don't recollect Mr. Costello's forcing or urging it on us personally.

Q. You recollect that he was the original mover in asking you to take the land?

A. Well, as I said before, it may have been the Mayor who suggested it. I only want to get this thing exactly as it lies in my mind, that is all.

Q. That is all I want to get, Mr. Stratton.

Q. (By the CHAIRMAN.) Mr. Stratton, did either the City Council, or anybody living in that immediate vicinity, ask for a playground there?

A. There may have been somebody in the neighborhood who asked for it. I don't recollect. Certainly I don't recall any vote of the City Council.

Q. Then it is not true that anybody asked for it?

A. Well, I should not say that somebody did not ask me about it, but I don't recollect any body of citizens coming and asking the Board for one there.

Q. Wasn't the Board aware that there was no playground in Ward 16?

A. The whole playground subject is a very difficult one. I should like to see more than there are.

Q. But, forcing three or four into one locality and leaving another locality without any at all, does not seem to me to be good business?

A. Well, we are open to criticism, Mr. Chairman. We all make some mistakes.

Q. I saw that there was a bill in the Legislature trying to get one for Ward 16, and I thought there had been a beautiful chance for the Park Commissioners to locate one in Ward 16, instead of putting three or four in one part of the city.

A. Well, I have explained the circumstances under which this was taken. It was a small one near a school-house. I thought personally its nearness to the Christopher Gibson was a very decided objection.

Mr. LUNDY. — What was the next one, Mr. Clarke?

Mr. CLARKE. — On Savin Hill.

Q. (By Mr. LUNDY.) Now, do you recall that, Mr. Stratton — the taking of the Savin Hill property from the Worthington heirs?

A. Yes.

Q. To which you testified the other day?

A. Yes.

Q. In that case I believe you said you dealt directly with the Worthington heirs?

A. Yes.

Q. And was that land taken directly because of a measure passed by the City Council?

A. No, not that I recall.

Q. Who proposed the taking of that?

A. Well, I think the Mayor was much interested in that.

Q. Mayor Quincy?

A. Yes. We would have our meetings and go over the map with the Mayor. The Mayor was very much in favor of our taking a beach there at Savin Hill, so that there could be bathing.

Q. Well, how much front beach have you got there in that playground?

A. There is quite a long stretch. I should like to look at the map and measure it. That is all I could tell you.

Q. Well, you have some stretch of surface beach?

A. Yes.

Q. And in that case dealt directly with the Worthington heirs?

A. Yes.

Q. No attorney?

A. Yes, there was a Mr. Homer who represented them.

Q. Yes, but I mean as far as the actual taking was concerned — that was done directly?

A. Yes, sir, Mr. Homer came before the Board for the heirs.

Q. And that was taken at the suggestion of Mayor Quincy?

A. He called it to our attention, although it may have been spoken of by Mr. Pratt, also.

Q. Well, do you recall in this instance how much you offered to the holders beyond the assessed valuation — the percentage, how much per foot?

A. Well, it varied according to whether it was upland or flats. The flats were considerably above the assessed valuation.

Q. What percentage should you say?

A. I should think double — a small figure in dollars and cents, for the flats were hardly assessed at all, some very small figure.

Q. Well, that transaction was practically upon the recommendation of Mayor Quincy?

A. Well, of course we considered it, and it had our approval, but the suggestion, I think, probably came from Mayor Quincy.

Q. How long was that matter pending, Mr. Stratton? Do you remember?

A. Well, before it was taken I should say it must have been a couple of months because they wanted more for the land than we thought we should pay, and we didn't want to take it until we knew. In this particular case we thought we were dealing with these Worthington heirs, and that if we could make a trade with them we had better do so.

Q. What finally decided you to take it?

A. Well, we got a limitation to a figure that we thought we were justified in taking.

Q. Did you have many talks with Mayor Quincy on the subject of taking that particular piece of land?

A. Well, I think four or five, surely. The Mayor used to go over several of these playgrounds together, different ones.

Q. Well, the Mayor was particularly interested in the matter of playgrounds? That is so?

A. Yes.

Q. And every now and then there was a suggestion on the part of His Honor to take certain land for playgrounds — that is so, isn't it?

A. Yes.

Q. And after the Mayor had made a suggestion to take a playground he urged it upon you rather strenuously, didn't he?

A. Well, if he was really interested in anything he spoke urgently about it.

Q. Then, in all the transactions which were made by your Board, or any member of your Board, upon the suggestion of Mayor Quincy, you were interviewed rather frequently by him?

A. No. I would not say that. We would have these occasional meetings and go over the atlas together.

Q. Well, you saw the Mayor a great deal more when there was some suggestion of taking land on hand than otherwise?

A. Well, the question of taking land for playgrounds interested the Mayor extremely.

Q. So I should say.

A. I think he was more interested in these than parks — talked more about playgrounds than about parks.

Q. But, as a matter of fact, he saw you more on the question of taking land than caring for the land after it was taken? Isn't that so?

A. Yes.

Mr. LUNDY. — Now, if I may have the next one, Mr. Clarke.

Mr. CLARKE. — October 2, 1899 — North End playground, additional taking.

Q. (By Mr. LUNDY.) This is October 2d of last year. Now, on that taking in the North End, Mr. Stratton, what is your recollection of that?

A. We found out that a house had been torn down on the edge of the North End playground, Prince-street playground, and we were very anxious. We felt that the playground was too small, and we were only glad to get a chance to take land there without having to pay for a building. So we took that land.

Q. When did you begin to feel that the playground was too small?

A. Well, ever since we started with it.

Q. And who called to your attention the fact that the house had been torn down?

A. I think that was Mayor Quincy.

Q. And the owner of that land was Elizabeth McQuarrie?

A. I think that is the name, yes.

Q. Do you remember what the McQuarrie people wanted for that land — I mean with regard to the assessed valuation?

A. Well, I should say they surely wanted half as much again. That is simply a guess, though.

Q. Do you remember what you paid them?

A. We haven't paid them.

Q. It is in litigation?

A. Yes.

Q. But you remember the land was taken by your Commission with the matter of price in the air?

A. Yes.

Q. And that recommendation, you say, came from Mayor Quincy?

A. No, I think the suggestion. As soon as it was called to our attention we didn't hesitate. We thought it was an opportunity to enlarge that playground without having to pay for a building, and that we should take advantage of the chance.

Q. Now, your Commission does certain investigating of its own volition — there is no question about that, is there?

A. No.

Q. And during the time you have been a member of that Board, have you had suggested to you, of your own idea, from your own observation, that you should take a certain piece of land?

A. The Mayor has had this playground matter very near to his heart, and as soon as this act was passed he started out with us, so to speak, as a fourth member of the Commission, — as his approval is necessary, as you know, to all our takings, and I think we consulted together, from time to time.

Q. I know, but it appears from your testimony this afternoon, that Mr. Quincy was the four members of the Commission, that nobody else made any other suggestion in regard to the taking of land?

A. Perhaps it is because of my modesty that I don't want to claim originality.

Q. Now, do you want to say, in regard to anything we have gone over, that you suggested the taking?

A. I don't recall any of these. The suggestions were made under the Playground Act, I think, largely by the Mayor.

Q. Do you recall anything in the way of taking land that has come originally from any member of your Commission?

A. Only in one locality in question — for instance in Roslindale, where we went over the whole field and made our own selections.

Q. I understand that. But in this matter of taking playgrounds there has not been a single suggestion come from any member of your Board, has there?

A. I said that in Roslindale we went over the field and picked out the playgrounds.

Q. Upon your own suggestions?

A. Why, certainly. In the other localities, as I said before, the Mayor went with us and these suggestions were made by him, I think the first one, possibly.

Q. And, as a matter of fact, were made by the Mayor before you went to look at them?

A. Yes, I think so.

Q. Do you recall any single transaction made in the way of taking playgrounds for the last three years that was not suggested by the Mayor at that time, Mr. Quincy?

A. Of course, some of these came to us, the early ones, through the City Council, and I presume the suggestions were made there by the members from the localities in which the playgrounds were situated.

Q. Do you recall any land you have taken for playground or other purposes that the Mayor did not approve?

A. It is absolutely necessary that we should have his approval.

Q. I know, but I am talking now of his suggestion or recommendation.

A. Oh, his suggestions — I should say, in the matter of the Roslindale playground, that the Mayor certainly did not take the initiative.

Q. Well, that seems to have been rather an excursion on the part of your Commission to Roslindale. You got away from the Mayor there.

Mr. LUNDY. — Now, Mr. Clarke, what is the next transaction?

Mr. CLARKE. — A Roslindale matter here, November 20th of last year, 1899.

Q. (By Mr. LUNDY.) And upon that, Mr. Stratton, you say the Commission went off on its own hook and took this land. How much land did you take there, Mr. Stratton? Do you know, approximately?

A. The figures are here and I would much rather they would be stated.

Q. Approximately?

A. I am such a very poor hand at telling land by the eye that I have to have the figures.

Q. You are not half as bad as the counsel, I can tell you that. But do you remember the figures approximately as to the assessed valuation?

A. Well, we paid something in excess there.

Q. Well, it is understood that you have to pay in excess, anyway?

A. I don't know of any instance where we have not done so. As I have said before, the city takes the land, and it is on a different footing from where the ordinary individual goes and buys by agreement. We take by right of eminent domain.

Q. Well, do you recall talking with any of the representatives, owners of this Roslindale land, before the taking?

A. Yes.

Q. Who were the holders there?

A. The Pierce heirs, and Mr. Orchard and another gentleman owned some building lots on a side street. I have forgotten the name of the other gentleman.

Q. Now, do you remember what member of the Board first suggested the advisability of taking land in Roslindale?

A. I think we all went out together, and this that attracted us was near a school-house.

Q. Did you have any petition from citizens of Roslindale for a playground?

A. Well, Mr. Estey was a member of the Legislature and was very efficient in getting this playground act through. We consulted with him.

Q. Well, did he appeal to you before you consulted him at all?

A. I think he did, yes. I don't recollect whether we sent for him or whether he came of his own volition.

Q. There was actually a need for a playground in Roslindale?

A. I think there is need for a playground in every part of the city. Of course you get the land cheap in the outlying districts, cheaper than you can ever get it again.

Q. On the other hand, you don't need it as much there?

A. Yes — it is a conflict; it is a balancing of arguments. It is really a very hard problem, particularly when you don't have money enough.

Q. Did you have any playground near the Roslindale playground?

A. The nearest, I think, would be the Billings Field in West Roxbury.

Q. How did Mr. Robert Treat Paine, Jr., figure in this? Did he represent anybody?

A. I don't remember him in connection with this.

Q. In Roslindale?

A. No.

Q. Well, do you recollect him in connection with any of your land transfers or transactions?

A. I don't recall him in connection with any real estate transactions.

Mr. LUNDY. — The next one, Mr. Clarke.

Mr. CLARKE. — The next taking was the Columbus avenue taking, which occurred January 1, 1900, and it isn't in that book — the additional taking for Columbus avenue. It doesn't occur in this book, because it is in 1900. This book ends December 31, 1899. I can tell you what the taking was. I have a memorandum of it.

Mr. LUNDY. — Well, let me have that, Mr. Clarke, for a minute.

Mr. CLARKE. — All I have is that memorandum there (handing paper to counsel).

Mr. LUNDY. — Just that single line?

Mr. STRATTON. — That Roslindale playground, I might have said, is a small playground, two or three acres. I say that for the benefit of the committee.

Q. (By Mr. LUNDY.) Now, on this taking that reference has been made to here, Mr. Stratton, which took place

the present year — the addition to the Columbus avenue playground — who owned the property you took there?

A. The heirs of William Rotch owned the long stretch on Columbus avenue, and the West End Street Railway or the Elevated road owned the land at the corner of Columbus avenue and Camden street.

Q. Well, how much of that land did the Boston Elevated Railway own?

A. I should say about 50,000 feet.

Q. And have you any idea approximately how much the other people owned?

A. Well, I should say certainly as much more — I don't know but 80,000. I am reluctant to give the exact figures, these details.

Q. I only want them approximately, Mr. Stratton?

A. I don't know, but I have them in my pocket here. I had that — no, I haven't it.

Q. You haven't that. Do you remember who suggested the idea of taking this strip of land?

A. That was in our original scheme. Last spring, when we took the interior lots, we tried to take all this land, but we found we couldn't legally do it.

Q. Why not?

A. Because it would exceed the $200,000 which we were allowed to expend.

Q. Well, with land taken last year, you have $100,000 on hand now?

A. Yes, but that second $200,000 was taken on the 1st of January.

Q. At this present time you haven't a right to use the additional $100,000?

A. Until the 1st of January, 1901.

Q. Now, Mr. Prendergast was a member of your Commission at the time this Elevated Railway land was taken?

A. At the time when it was taken, but not when it was arranged to be taken.

Q. When did you arrange to take it?

A. Arranged to take it last spring.

Q. To what extent did your arrangement go last spring?

A. It was simply an arrangement, of course, on honor, because we couldn't bind the city to anything.

Q. I know, but did you directly communicate with the Boston Elevated Railway people about that matter?

A. Oh, yes.

Q. Well, have you at the present time plans that contemplate the taking of lands that are not now available?

A. No.

Q. With whom did you deal when you got this land from the Boston Elevated Railway Company?

A. I think, Mr. Gaston.

Q. And did you pay approximately the same price to the Boston Elevated Railway as you paid to the Rotch heirs or the Rotch people?

A. Yes, about the same.

Q. Who represented the Rotches?

A. William Rotch. I would say that Mr. Stark had something to do with it.

Q. Where does Mr. Stark appear in this transaction?

A. Well, he went to the Rotches in the matter. I know he came from the Rotches to us.

Q. Now, how did Mr. Stark know you were going to take this land?

A. Because that was perfectly open and above board. We had these plans, you know, of taking the whole land, and whether the Mayor asked Mr. Stark to go and see the Rotches I forget, but our plan was to have this playground. We felt that we could deal with the Rotch estate and the railroad, you know, in an open way, and they virtually agreed to keep this land for us until the first of January at a figure.

Q. What makes you think the Mayor possibly may have spoken to Mr. Stark about this?

A. Because Mr. Stark was very busy in this matter.

Q. He appears to have been busy in all these matters of the taking of land?

A. I don't recall him before, except as I remember that he owned a piece in the Neponset land.

Q. Now, whether in your Board of Commissioners Mr. Prendergast has had anything to do with the taking of this land?

A. Only as to the final act.

Q. He has voted on the subject?

A. He was present at the meeting when we made the final taking.

Q. As one of your Commissioners would his vote have to be recorded?

A. I suppose he could withhold his vote.

Q. You don't recall that he did withhold his vote there?

A. No, I don't.

Q. Do you recall Mr. Prendergast making any special inquiry into the taking of this land?

A. Of course he inquired into it.

Q. I know, but do you personally know of his making any personal inquiry into the taking of this particular piece of land?

A. He undoubtedly inquired into it.

Q. Why do you say that?

A. Because it is a matter of our business.

Q. To inquire?

A. That is part of his business as a member of the Board, yes.

Q. And you understand that Mr. Prendergast is a director of the Boston Elevated Railway?

A. Yes.

Q. And you understand that his particular connection with that corporation is in the real estate line, don't you?

A. I don't know that.

Q. Haven't you heard that he has a great deal to do in the matter of taking real estate for that railroad?

A. No. I knew he was a very active man in the management of the road.

Q. I know; but particularly as regards real estate, as that is the first suggestion, do you know that he is particularly interested in that particular line?

A. No.

Mr. LUNDY. — Now, are there any more of the real estate transactions, Mr. Clarke?

(Mr. Clarke handed the records to counsel.)

Q. (By the CHAIRMAN.) Did anybody in the neighborhood, Mr. Stratton, ask for this playground?

A. Yes, we had several requests. We had the Wells Memorial people come to us, and had quite a large petition from that section of the city, and we had quite a large petition particularly from the Wells Memorial Institute.

Q. No suggestions from the City Council were there?

A. Unless there were some gentlemen coming from that section. This thing was discussed at a meeting that we held, and I remember going to a meeting at the Wells Memorial at the time, — or, at least earlier than this.

Q. (By Mr. LUNDY.) Now, the last transaction in real estate that you know anything about is at Mt. Hope, Mr. Stratton, is it not?

A. That is my recollection.

Q. That is earlier, I see?

A. Yes, sir.

Q. You recall a later transaction than that?

A. Yes; recall land taken at Chestnut Hill.

Q. When was that?

A. Last year.

Q. 1899?

A. Yes, sir.

Q. And in that case I presume you followed the usual rule?

A. We dealt directly with the owners, and had to put on our expert to follow it up. There were between three and four acres at Roslindale.

Q. Well, you didn't there pay anything greatly in excess of the valuation?

A. No.

Q. And it was rather a small piece of land — three or four acres?

A. Oh, I am speaking of Roslindale.

Q. Last fall?

A. Yes, sir. The White piece was larger. This was an act of the Legislature that appropriated so much money for the purpose, and we wanted to protect our driveways at Chestnut Hill. The land taken was irregular, and this land of White's came in between two pieces of the city's land, and they were going to put a lot of buildings there which would make a great disfigurement to the city's land. As you went further along on the right the private ownership came very close to our driveway also. So that it was a great benefit to the city to protect the driveway.

Q. Now, on this last Mt. Hope piece of property, you paid, so far as you remember approximately, how much in excess of the assessed valuation?

A. I think it was valued very low. It was Harvard College land which they cannot sell, and my recollection is that it was valued at not more than two cents a foot.

Q. Well, you didn't get it for that?

A. We have got the land, but haven't paid for it yet.

Q. Well, what was their claim in the litigation?

A. Well, they have not got any claim as yet.

Q. Well, have you taken any trouble to ascertain whether or not they have made any claim per foot?

A. The treasurer of the college has been to see us, and said he supposed they would have to litigate, but he did not name any figures to me.

Q. That is, they are going to the courts on that to assess the damages?

A. Yes.

Q. And you haven't any idea from the treasurer of Harvard College or anybody else how much they will claim?

A. No.

Q. And it may be two cents a foot and may be a dollar a foot?

A. Well, I think even a jury of Suffolk County would not treat us in that way, making us pay a dollar a foot. Of course, the fact that they cannot sell it would seem to make it very cheap in the market, and it is simply farming land, you know, and low in value.

Mr. CLARKE. — I have the record of the Chestnut Hill taking.

Mr. LUNDY. — We have been over that. I am through, except that I shall have to recall Mr. Stratton a few moments later. I have nothing more to ask him at the present time.

Q. (By the CHAIRMAN.) Mr. Stratton, I want to go into Marine Park with you for just a minute. Were there any applications in connection with the Head-house down there beside Mr. Bow's?

A. That contract was made very shortly after I came upon the Board.

Q. Shortly after you came on the Board?

A. Just after I came on the Board, and there were several names considered at that time. But this was some time ago.

Q. Didn't the Board understand at the time that this man was not a resident of the city of Boston?

A. Well, I didn't know myself about it.

Q. Was there any fee? Did he agree to pay the city any money for the use of that place?

A. The contract obliges him to pay a certain amount, a certain percentage from the gross receipts to a certain extent. As soon as the gross receipts amount to so much he pays a certain percentage, and so on.

Q. Was not it that he agreed to pay a certain percentage when he got over $10,000 a year?

A. That is my remembrance.

Q. That is, if he made over $10,000, or got over $10,000, he should pay a certain percentage?

A. Yes, sir.

Q. And it is very probable that he will never reach the limit of ten thousand dollars, and consequently that the city will never get a cent?

A. No; I think he has reached the limit, but there are certain things we had to pay for under our contract, so the city has got no money as yet. That is my recollection. I am told that it is very difficult to make any money keeping a temperance house, but I merely throw that out for what it is worth.

Q. I agree with you. Aren't there applications there yet for that house by citizens of Boston?

A. He was given a term of years, and I think it has still a year to run.

Q. Isn't it in the province of the Board to break his lease at any time for cause?

A. I think so, for cause. There must be such a reservation as that in the lease.

Q. Now, do you know anything about a rip-rap wall built over there at H street by Burnham's coal wharf?

A. No, I don't.

Q. Do you know of any wall built there?

A. I don't know.

Q. The fact of the matter is, that there is a wall built there, about 2,000 feet long, as I understand it.

A. Down at Burnham's wharf?

Q. Along the shore line there, from H street to Burnham's wharf. I understand there is a stone wall built there, a solid masonry structure, and to-day it is all covered over and you cannot see any of the stone whatever. I don't know whether you know anything about it or not?

A. No, I don't. Do you know when it was built?

Q. Well, I suppose it has been built within two years.

A. I thought we didn't have any construction done at Burnham's wharf.

Q. I understand that there is a rip-rap wall there, probably a retaining wall or something of that character?

A. You know the Legislature put the finishing of the Strandway under the Street Department, so we have had no work done in that direction, I had supposed.

Q. I suppose Mr. Pettigrew would be the man who would know about that?

A. Yes.

Q. Let me ask about Mr. Sheldon, who runs the boats?

A. Yes.

Q. Doesn't the Board know, or didn't they know when he was given the privileges in connection with boats in the park system of the city of Boston, that he was not a resident of the city?

A. The contract was made before I went on the Board, Mr. Chairman.

Q. Well, the Board is aware of that now?

A. Well, if you say so, I certainly am aware of it. I know somebody suggested it at one time, perhaps two or three years ago.

Q. I ask these questions, because I often have my attention drawn, as a resident of South Boston, to these matters, in connection with the great boating privileges at the Point.

They claim that there are sometimes abuses there by Mr. Sheldon, and that the citizens there don't get an opportunity to engage in that business. Isn't it true that he built a structure there under the direction of the Board of Park Commissioners that was the cause of killing, drowning a great many children there?

A. He put a float there, but owing to the lack of control of these children, they being sent over without any police or other supervision of elders, there was an accident which caused the drowning of certainly three or four children.

Q. He was brought into court there — sued by the families?

A. I think the cases are still in court.

Q. And judgment was brought against him?

A. I don't know, but I should doubt if judgment had arrived yet.

Q. Isn't it a fact that he is in bankruptcy?

A. I don't know. He certainly cannot be making any money on this, because he brought in Mr. Benedict, who died a year or two ago, to help him out.

Q. Don't you think the chairman of the Board of Park Commissioners, when he finds that a man is irresponsible and is getting big privileges from the city of Boston, and is not a resident of the city, — don't you think he ought to look into his contract, or don't you think the Commissioners should look into the contract and revoke it, if they deem it for the best interests of the city to do so?

A. I certainly do. It is a very difficult matter, the boating contract. I don't know that anybody else would want to do it. Whether there is any money in it has yet to be proved. It demands a large plant, and a person with a good deal of courage to run it, a man who has a thorough knowledge of boat management. If anybody else wants to apply for it we would like to have him do so.

Q. I understand that there is an old resident at City Point, who has lived there for thirty-five or forty years, a taxpayer, who is rearing a family there, who is a great deal interested there, one of the most expert boating men in Boston. He has continually, I understand, year after year, made application for that privilege?

A. I think that is an error. I presume that you refer to a most excellent citizen of South Boston, Henry Hutchins.

Q. That is the man.

A. He has not applied for that privilege, but for certain special privileges that we did not consider it wise to give to different individuals. We have felt that the privileges

should be given to one single man, or a company. We feel that Mr. Hutchins is worthy of respect, and he is to have an opportunity of earning his livelihood there.

Q. Another thing; the city of Boston built a landing there for people who were not members of clubs and who did not have private landing. Do I understand that to be right?

A. I understand that there is a public landing there, yes.

Q. Is it true that the Park Commissioners have given this landing to Mr. Bow without any rental at all, and that Mr. Bow is charging people ten dollars a year for landing there?

A. I should be surprised to learn that that was so.

Q. That is the absolute truth.

A. If there is any such arrangement, I want to know it.

Q. I am positive that it is true, because a friend of mine, who owns a small yacht went there to get the privilege of landing and was told that he would be assessed ten dollars a year for it.

A. If there is any thing like that, we want to know it.

Q. I have had that drummed into my ears for a whole year.

A. I am sorry you didn't give it to us earlier.

Q. I think it is the duty of the Park Commissioners to look after such things. We are members of the government and don't have a right to dictate the policy of any executive branch of the city, we being the legislative end of it. I don't think we are obliged to interfere, but I think the Park Commissioners should look into those things and give the first preference to citizens of Boston.

A. As I say, the gentlemen of the Board are only too anxious to be told that things are going wrong, but we cannot be omnipresent, and unless people tell us that things are going wrong we cannot always find it out.

Q. Well, such is the condition of things at City Point.

A. I am very glad to be informed of such things.

The CHAIRMAN. — Does any other member of the committee desire to ask Mr. Stratton any questions?

Q. (By Alderman GERRY.) I would like to ask Mr. Stratton a few questions. As I understand it, when the Commissioners, Mayor Quincy or Mr. Cobb, or somebody else, got their eye on a certain piece of land which they proposed to take as a playground, when they came to inquire into the price of it, in the first place looking up the assessed valuation, they would find that the assessed valuation was 15 per cent. or 35 per cent. or 50 per cent. less than the amount the people asked for it, after they have learned that the Park

Commissoners are bound to take it or are going to take it. Now, Mr. Stratton, I would like to ask if they have ever given up the taking of any such land in order to show those people that if they ask an exorbitant price for their land the city can get along without that particular piece of land?

A. Is the question this, if the Commission find that people are asking an exorbitant price for their land, whether they will refuse to take it?

Q. Yes. Have you ever refused to take it, or have you gone on and taken it and paid the price after litigation or otherwise?

A. I don't recall any instance where we have found that we couldn't settle with people, but, as I have said before, occasionally we have found it necessary to take land without going to the owners, because we were afraid there would be a change of ownership. But when we have talked with the owners beforehand and found that their prices were high we have taken the land because we considered it desirable for the city at that time, feeling that we could trust a jury to charge us a reasonable price for the land.

Q. Well, it seems to me that somebody — either the assessors or somebody else — have set a very low price for this land that is being taken, or that the additional price that is given by the Park Commission for land is a little high, as I understand it. Now, am I right, Mr. Stratton, in this, for instance? Take the Chelsea bridge — I understood that you took that land from the Boston & Maine, and that the price figures up somewhere about $13,000 or $17,000 more than the assessed valuation?

A. It is possible, but my recollection is that it was given to us at the assessed valuation. At the same time I know that we felt it to be a very reasonable offer. However, it may have been above the assessed valuation.

Q. Well, it appears that this Mr. Stark figures in a good deal of land that is taken by the Park Commissioners. He appears to be another sort of public land seller, in a way.

A. I don't think that is quite a correct statement, Dr. Gerry.

Q. I am only asking it as a question?

A. I recollect now that Mr. Stark was one of the owners in Neponset of a not very considerable piece of land, and I do not recall him in the taking of the Neponset playground, which was done at the request of the City Council, in any other way than as being the owner of a certain part of this tract of twenty acres; and in this other matter he figured very prominently, as anybody knowing Mr. Stark would be

very much surprised if he did not. Anything that Mr. Stark is interested in, he is up early and late working upon it from morning until dark. He had this piece of land at Columbus avenue that he wanted to sell, and therefore made a constant effort to see the thing put through, and I think he was asked also to see if he could do anything in the way of securing the front land, after he had given us the option on the rear. That is all my recollection of Mr. Stark in connection with any real estate transactions of the Boston Park Commission since I have been on the Board.

Q. (By Mr. LUNDY). Just one other question, Mr. Stratton, and that is — after all you have said about collusion between owners, and the suspected bonding of land, you are unable to name any single instance during your administration as a Park Commissioner where that has actually occurred?

A. Well, not beyond this case at Old Harbor. That is the only one I recollect now.

Q. And that was only a suspicion?

A. Yes.

Q. Nothing to stand on?

A. I only know that we found that there had been a change of ownership, a recent change of ownership.

Mr. LUNDY. — That is all.

The CHAIRMAN. — Does any member of the committee desire to ask the Chairman of the Park Commission any questions? (No response.) That is all, Mr. Stratton. Your next witness, Mr. Lundy.

Mr. LUNDY. — Mr. Eugene H. Eichorn.

(Mr. Eichorn came forward).

TESTIMONY OF EUGENE H. EICHORN.

Q. (By Mr. LUNDY.) Your full name is what?

A. Eugene H. Eichorn.

Q. And you live where?

A. 11 Newsome Park, Jamaica Plain.

Q. And your office is where?

A. I work at 73 Kingston street, Boston.

Q. What is your business?

A. Wholesale furs and skins.

Q. Are you connected with Albert H. Eichorn?

A. He is my brother.

Q. And his business is what?

A. He does general contracting.

Q. How long have you been in the fur business, Mr. Eichorn?

A. Since I left school, 15 or 18 years.

Q. Aside from the fur business have you had any business interests?

A. Well, nothing more than that in the summer time I have been with my brother on different pieces of work he has done — filling, furnishing loam, etc.

Q. Then, as a matter of fact, you have been connected with the contracting business?

A. With him, yes, sir.

Q. And the only experience you have to recommend you in the contracting business is the fact that you have been in the fur business since you were 16 years old — is that all?

A. No, not that — we have two gravel banks at Brookline and a stone crusher, and crush stone there and get out gravel.

Q. Do you know anything about the crushing of stone?

A. Yes, sir.

Q. And do you know anything about the caretaking and the general business connected with a gravel bank?

A. Yes, sir.

A. And where have you learned that?

A. Out at Brookline.

Q. During what hours of the day have you learned that?

A. I generally go out there about the 15th of March and stay there until the first of September.

Q. I understand you to tell the committee that from March until September you don't follow the fur business?

A. No, sir.

Q. But you are a contractor?

A. Yes, sir.

Q. Work with your brother?

A. Yes, sir.

Q. Have you an interest in those gravel banks?

A. No, sir.

Q. Don't own any part of them?

A. No, sir.

Q. In what capacity have you worked for your brother?

A. I have been out there looking after things.

Q. Are you a foreman?

A. I suppose you might say it was that.

Q. What salary do you get from your brother?

A. The same as I earn in Boston.

Q. What is that?

A. $25 a week.

Q. That is, you get $25 a week in the fur business?

A. Yes, sir.

Q. Why don't you work at the fur business during the summer months?

A. Well, there isn't any business during the summer months in the fur business.

Q. Do you go back every autumn to the firm you work for in that business?

A. Yes, sir.

Q. What firm is that?

A. My father, John Eichorn.

Q. The salary you get, then, never varies?

A. No, sir.

Q. Hasn't varied since you were 16 years old?

A. I should say not.

Q. And how old are you now?

A. I was 35 the 17th day of this last January.

Q. Were you working for your brother during the season of 1898?

A. Yes, sir.

Q. And where were you stationed at that time?

A. Well, during the whole season?

Q. Well, to begin with the season, take it from March when you went there, where did you first go?

A. Went to Brookline first.

Q. The town of Brookline?

A. Yes, sir.

Q. Well, you weren't doing any work there for the city of Boston?

A. No, sir.

Q. What was the first work for the city of Boston that you engaged in during 1898?

A. Over in South Boston, as I remember it, in Marine Park.

Q. And what was your brother doing there?

A. What was he doing over there?

Q. Yes. What did his contract call for?

A. He was furnishing loam.

Q. And from where did he get this loam to furnish it to the Park Department?

A. Well, got part of it from Squantum.

Q. And the rest of it?

A. The greater part of the rest of it came from the Ten Hill Farm, out in Somerville.

Q. And who owns that?

A. I don't know.

Q. Do you own any of your own property, property that you have taken this from?

A. Loam?

Q. Yes.

A. No, sir.

Q. Then all the loam you have supplied the city of Boston you have been obliged to buy — is that so?

A. Yes, sir; bought it.

Q. Have you any idea how long you were at Marine Park, South Boston?

A. I think we went there right after the Fourth of July — along the 5th or 6th of July.

Q. How many men did you have under you?

A. I hadn't any.

Q. What were your particular duties at that place?

A. To see that the loam was dumped in the places in which the foreman wanted it put, and to see that things ran along smoothly.

Q. Did your brother employ his own drivers?

A. No, sir.

Q. Was this stuff hauled by teams belonging to the Park Department?

A. No.

Q. By whom was it hauled?

A. It was hauled by different teamsters. Five thousand loads were brought from Squantum by scow.

Q. Did your father or brother own teams?

A. No, sir.

Q. Depended entirely for the supply of loam in teams on somebody you hired?

A. For the loam that was carted in; yes, sir.

Q. Was your brother engaged at that time in delivering loam at any other part of our park system?

A. Not that I know of. Just previous to that we had delivered some down at the North End Park.

Q. I meant at this time?

A. Not that I know of; no, sir.

Q. Do you know what other work he was engaged in?

A. For the city?

Q. Yes.

A. None, to my knowledge.

Q. What other work was he engaged in outside of the city?

A. Getting out gravel at Brookline and crushing stone.

Q. And all you had to do for the city was at Marine Park at that time?

A. Yes, sir.

Q. How often did your brother go to the park while you were delivering that loam?

A. Some time every day.

Q. Did you keep any record of the loads of loam you delivered?

A No, sir.

Q. Do you know whether or not your brother has records of the loads of loam delivered?

A. The record was kept out there by Mr. Weidener, of the Park Department.

Q. For the benefit of the Park Department?

A. Yes, sir.

Q. What record was kept in your brother's interest?

A. Checked off every load of material delivered there.

Q. Have you the checks now?

A. No, sir.

Q. Are they at your office?

A. No, sir.

Q. Have you any record of the number of loads delivered by your firm?

A. Yes, sir.

Q. Where?

A. At home.

Q. Any books?

A. Yes, sir, I believe he has.

Q. Have you access to those books?

A. Checks were given by the Park Department to teamsters as they delivered loam. Each and every load was measured as it was delivered, and checks given to the teamsters, and on the first of the month the teamsters brought these checks to us.

Q. And you have all those checks, or the record of all those checks, at you house?

A. I think he has the amount; yes, sir — I don't know as he has the record of each individual check — and afterwards the checks were taken out to Pine Bank.

Q. (By Mr. MATTHEWS.) What is that?

A. At the time they settled with us for the loam we delivered the checks, which were the receipts of Weidener, at Pine Bank.

Q. To the Park Department?

A. Yes, sir.

Q. (By Mr. LUNDY.) Will you, at the next meeting of this committee bring all papers you have relating to the work of your firm in connection with the Park Department?

A. Yes, sir.

Q. Who measured the loam at South Boston?

A. Mr. Weidener and Mr. Abbott. They did the measuring on it, and they had one or two boys there to make out the checks.

Q. Now, Weidener was foreman, wasn't he?

A. Yes, sir.

Q. You have had some experience with the Park Department, as a man dealing with them on the outside?

A. Yes, sir.

Q. And do you understand personally that it is the business of the foreman to measure loads of loam as they are delivered?

A. I suppose it is, if he is ordered to do it by his superiors; yes, sir.

Q. Did you ever see Mr. Weidener personally measure a load of loam?

A. Yes, sir.

Q. As a regular thing?

A. Yes, sir.

Q. And you have seen Mr. Abbott do so?

A. Yes, sir.

Q. What was Abbott's position there?

A. The same as Weidener's in regard to measuring loam.

Q. Was Abbott a foreman?

A. No, I don't think he was.

Q. What was his business?

A. He was there measuring loam.

Q. And is that all you ever saw Abbott do — measure loam?

A. Towards the end of it, after we were about through putting the loam in, the only other thing I have seen him do was on a Saturday afternoon, cleaning up the walks, where we hauled over the walks to get it in to this place where we dumped.

Q. Did you ever hear Weidener described to you as a foreman?

A. No, sir.

Q. Did you ever take pains to inquire whether he was a foreman?

A. No.

Q. How do you know that Weidener was a foreman?

A. He was there as such.

Q. How did you know?

A. He told me so.

Q. How did you know that Abbott was not a foreman?

A. I never said so. I don't think he was.

Q. Did you ever ask Abbott?

A. No, sir.

Q. But you did ask Weidener?

A. Yes, sir.

Q. Why did you ask Weidener?

A. Because when we started to dump the loam we started from Squantum, and when the first loads came we went to his office to find where he wanted to start to fill.

Q. Why did you go to Weidener?

A. Because there was nobody else to go to.

Q. Abbott was not there then?

A. No, sir.

Q. Weidener, then, measured the first loads of loam?

A. Yes, sir.

Q. Who were the tally-boys?

A. Weidener's son, and another boy, named Kelly.

Q. When did you see Kelly last?

A. I think yesterday.

Q. Yesterday morning?

A. I don't know whether it was yesterday morning.

Q. Did you send for Kelly?

A. No, sir.

Q. You did not?

A. No, sir.

Q. What was Kelly's object in coming to your office?

A. I don't know.

Q. What conversation did you have with Kelly yesterday morning?

A. Nothing more than he asked if I had been summoned here, to come to the hearing.

Q. What did you say to him?

A. I said "No."

Q. Hadn't been summoned?

A. No.

Q. What talk did you have about that South Boston experience of yours?

A. Nothing; none whatever.

Q. How long was Kelly with you?

A. Not very long.

Q. Ten minutes?

A. Yes, may have been ten minutes.

Q. And what was the gist of your conversation during the ten minutes?

A. I don't remember what he said to me.

Q. Do you remember what you said to him?

A. I didn't say anything to him.

Q. Didn't say anything in ten minutes' conversation?

A. No.

Q. Anybody else present during the conversation?

A. Nobody except my father in the place.

Q. What is his name?

A. John.

Q. What is his business?

A. Furs and skins.

Q. Is this your busy season?

A. Just about the ending.

Q. No work at all to do these days?

A. Yes, sir.

Q. And you devoted ten minutes of your time saying nothing to this man.

A. I don't say that I said nothing at all, but nothing about South Boston or this hearing. I haven't any interest in it.

Q. Why do you suppose Kelly called on you?

A. I don't know.

Q. Did he assign any reason for calling?

A. No.

Q. What did he say when he went away?

A. When he went away?

Q. The last thing when he went away — something he said when he left?

A. I don't remember.

Q. Did he say he would meet you again?

A. No, sir.

Q. Did he say for you to meet him again?

A. No, sir.

Q. Did you offer any money to Kelly?

A. No, sir.

Q. Did you give him any money?

A. No, sir.

Q. No reason why you should have given him money yesterday morning?

A. No, sir.

Q. Did you come in personal contact with Kelly when you were in South Boston?

A. Nothing more than he was there, and I was as near to him, pretty nearly, all day as I am to you.

Q. And you have had more conversation with him than with me, haven't you?

A. Lots of times. We weren't busy all the time.

Q. And he measured loam all the time?

A. No, sir.

Q. Didn't you say so?

A. If I said so, I didn't mean that.

Q. You said the two boys had something to do with measuring the loam?

A. Not with measuring the loam. The men measured the loam, and the two boys had the tickets there. That is what I said — at least, that is what I meant to say.

Q. You may be right. Now, what did you mean when you spoke about making out the checks?

A. Abbott and Weidener had a blank book about as long as that pencil, and about so wide (illustrating).

Q. The ordinary loam check-book?

A. No, sir; not at all — had the number of the cart, length of the cart and width of the cart.

Q. Well, it is a loam check-book, isn't it?

A. Well, have it your way. Then the carts were numbered, and as the loads came in he would refer to the number of the cart and take the height of the load, and so on, and from that he would get his result as to what the load contained.

Q. That is exactly what I asked you — that was the book for checking loam?

A. No, sir.

Q. Any other book they had for checking loam?

A. Yes, sir.

Q. Describe that?

A. A book something similar to a check book, with a check and a stub, and on the stub he used to enter the number of the cart, the area, the height of the load, and then they carried this out on the check attached to the stub.

Q. And the check was handed to the driver?

A. Yes, sir; the check was handed to the driver.

Q. Who made out the loam checks?

A. I say Weidener's son and this Kelly boy.

Q. Who made these other memoranda?

A. Weidener.

Q. Himself?

A. Either he or Abbott.

Q. They made the memoranda?

A. Yes, sir.

Q. You don't know what time of the day the checks were made from these memoranda, do you?

A. Then and there.

Q. Why, then, in your mind, was it necessary to have two sets of check books?

A. Weidener claimed them at night, and he footed up the number of loads, took the area of the carts and height of the loads and made a report at night on the amount of loam received during the day.

Q. But you know this, that your drivers received their receipts immediately?

A. Yes, sir, and he carried it into this black book I have referred to, at the time.

Q. And made up his official figures at night, after he got the receipts?

A. Yes, sir.

Q. Do you know of any cases where receipts were taken back from your drivers or your firm because they were inaccurate?

A. No, I can't recall any instance where they were taken back. It sometimes happened that a load would be credited on the book that Weidener had, for instance, as having a height of three-foot six, while on the driver's check it may have appeared as three-foot four — that is, three feet and four-tenths; but that would be the only chance of mistake.

Q. In that case, with that variation, the advantage would be with the man delivering the loam?

A. I don't see how you make that out.

Q. Do you mean to say that the only variation you know of is not to the advantage of the man delivering the loam?

A. I don't see why it should be.

Q. I know, but isn't that what you have said?

A. Well, if he has it on his book at three feet and six-tenths, and if on the check that he gives to the driver he puts it at three feet and four-tenths, I don't see wherein the driver is benefited by it.

Q. Then, to change it, the benefit would be to the Park Department always?

A. I don't say always, but it would be in that case.

Q. Now, did you see much of Weidener about that place?

A. He was there all the time, with the exception of noontimes or when he would go off for a quarter of an hour, or half an hour, perhaps, to see what some of his men were doing up in some other part of Marine Park.

Q. Do you know whether or not Weidener had a yacht?

A. A what?

Q. A yacht — a boat?

A. Yes.

Q. How do you know that?

A. Because I have seen it.

Q. Have you seen Weidener on her?

A. Yes.

Q. When — on Sundays?

A. No, I was not over there Sundays.

Q. Then on business days you have seen him on his yacht?

A. Yes, sir; I have seen him on his yacht.

Q. That is, during the day over there you have seen him on his yacht, at times?

A. Yes.

Q. Well, how long would he be on it?

A. Well, long enough to go and shake a sail out and let it dry, a sail that was wet the night before.

Q. And did you go with Weidener just to see that sail shaken out?

A. No.

Q. Why did you go with him?

A. I didn't go with him. I could see him from where I was.

Q. How long would he be on the boat on these occasions?

A. Well, 15 minutes.

Q. How many times did you see him shake out a wet sail?

A. Once.

Q. How did you know it was his boat?

A. Because he told me so.

Q. Did you ever spend any time on that boat?

A. No, sir; it wouldn't hold two.

Q. Or your brother Albert?

A. It wouldn't hold two.

Q. Why not?

A. Because it was no longer than these two tables.

Q. You weren't near it?

A. Yes, sir.

Q. How close?

A. As near as from here to the street.

Q. You say Weidener had his boat anchored at Marine Park?

A. Yes, sir.

Q. Right close to the ground?

A. Yes, sir.

Q. Now, you wouldn't say that Weidener did not spend considerable time in that boat, would you?

A. Yes.

Q. Why would you say that?

A. Because I never saw him.

Q. You went there at what time mornings?

A. That depends. If we had a scow there to be unloaded, I got there early, at perhaps half-past six or quarter of seven.

Q. At other times you did not get there until afternoon?

A. No, sir; I was always there the principal part of the day.

Q. Some days, possibly, you were not there when there was nothing taking place?

A. No, sir; I was there every day except Sundays, all day long.

Q. Except when you didn't have any business?

A. Well, we had business.

Q. I thought you said sometimes you hadn't?

A. No, I didn't say that.

Q. So you were there every day?

A. Yes, sir; from seven o'clock until we closed down.

Q. Every day, right along?

A. Yes, sir, every day excepting Sundays.

Q. Your brother Albert — how long a time did he spend there?

A. Sometimes pretty nearly all day long, and at other times he was not there so much.

Q. Can you say approximately how much loam your brother delivered at Marine Park during the time you were stationed there?

A. I was there from the time the first load came until we were through.

Q. Well, how many loads a day were delivered, on the average?

A. Well, there were some days when we would have 160 loads to 175 loads without the scow.

Q. Without the scow — what do you mean by that?

A. I mean without what we brought over on the scow from Squantum.

Q. How much would that make?

A. I think she used to carry 65 to 90 yards.

Q. Did you ever examine this loam?

A. Yes, sir.

Q. It was good loam?

A. Yes, sir.

Q. Let me ask you this — do you know what good loam is?

A. Yes, sir.

Q. What has been your experience in testing loam?

A. I never had any experience in testing loam.

Q. That is, all you know about it is that it had been pointed out to you as good loam?

A. No, not exactly.

Q. Well, what has been your experience?

A. Well, a man going out and going over a piece of land with a good crop of grass on it, and with 10 or 12 inches of loam, would naturally say that the chances were that it would pass for good loam.

Q. But I don't understand that you saw it under those conditions?

A. Yes, I did.

Q. I asked you about it, and I understood you to say that you saw the loam only when it came to the ground?

A. No, sir; I saw it before it went on the scow.

Q. How long before it was delivered at Marine Park did it go on the scow?

A. It takes about four hours to load the scow.

Q. You don't mean to say that you saw it when it was put aboard the scow?

A. Well, I went over to Squantum and saw the place where the loam was taken from, and know what kind of a place it came from.

Q. Did you measure it there?

A. No, sir; but I went and saw the people, and saw the place where the loam came from. It was obtained from Mr. Titus, where he was cutting some new streets for house lots.

Q. Now, haven't you any other interest in your brother's firm except the $25 a week pay?

A. That is all.

Q. How long have you been working for him?

A. A number of years.

Q. At what salary?

A. Twenty-five dollars a week.

Q. You have never received any increase?

A. No, sir.

Q. The business has increased?

A. Yes.

Q. And you have grown older, the same as we all do.

A. Yes, sir.

Q. Have you ever asked for any increase of salary?

A. No, sir.

Q. Never had?

A. No, sir.

Q. You are content to put in the summer months at $25 a week.

A. Yes, sir.

Q. Now, I believe this matter of measurement was confined to four men at the outside?

A. Yes, sir.

Q. That is, Abbott, whose capacity you don't know anything about?

A. Yes; I know as much about his as Weidener's.

Q. Well, Weidener told you that he was foreman. He was there all the time, except when he was shaking out sails, and there was Mr. Kelly?

A. I didn't say he measured.

Q. You say he wrote the checks?

A. Yes, sir — dictated to him.

Q. Kelly, and Weidener's son?

A. Yes, sir.

Q. How old was Weidener's son?

A. I should say eighteen or nineteen years.

Q. Never talked with Weidener's son?

A. No, sir.

Q. Never distrust the measurement?

A. Nothing more than when I thought he was not giving the teamsters what they ought to have.

Q. Were there times when you thought he was not doing the teamsters justice?

A. I thought so.

Q. And did he remedy that when you reminded him of it?

A. Not very materially, as I could see; no.

Q. Did you ever make a complaint to the superior of these boys?

A. Yes.

Q. And then it was remedied?

A. No.

Q. Wasn't?

A. No.

Q. What was the extent of your complaint?

A. This, that these fellows who hauled the loam from Somerville, from the place I told you about, the Ten Hill farm, started out, according to the measure, with three and one-half yards, with the team heaping full, and after they rattled over the cobblestones and got over to South Boston, they didn't have as much as when they started.

Q. As a matter of fact, you subsequently found that the boys, or the men measuring, were right?

A. No; no more right then than they are now.

Q. But you made certain complaints, you say, about the measurements of loam?

A. Yes, sir.

Q. I ask you now, what was the general result of those complaints?

A. Nothing; no result.

Q. Any credit given your firm for loam?

A. No, sir.

Q. Anything taken off the Park Department?

A. No, sir.

Q. Then I understand that the Park Department was charged with a full load when it did not have one?

A. I didn't say that. Every load was measured for exactly what they had in their carts.

Q. You saw that?

A. Yes, sir.

Q. How many loads could be measured at one time?

A. Twelve or fifteen carts standing along, and they could go along and take one after another and measure them.

Q. Could you state what would be the measurement of any one of those carts?

A. Oh, yes; I think they would run from 75 feet to 105.

Q. A cart?

A. A cart, yes.

Q. Does it make any difference whether the sideboards are on or off?

A. I think so.

Q. What difference?

A. If they had a four-foot sideboard, with four feet of loam, they were credited with it, and with a two-foot-six sideboard they would get credit for two-foot-six. Every one of these loads is figured out in cubic feet, by the area of the cart and the height of the load.

Q. I understand; but as a matter of fact, didn't a great many carts come in there with loam that didn't have their sideboards on?

A. No.

Q. Didn't some?

A. No.

Q. Why do you hesitate?

A. Because there was one place quite handy from which they hauled some loam, and they did haul some of it in small single carts.

Q. Without sideboards?

A. No; they had sideboards on.

Q. So they universally had sideboards?

A. Yes, they had.

Q. Do you recall any conversation you had with this man Kelly about the measuring of loam?

A. No, sir.

Q. None at all?

A. No, sir. He didn't measure any loam there.

Q. Do you recall any conversations that you had there with him while working?

A. No.

Q. You certainly talked with him as much as with Weidener?

A. Yes, sir. This Weidener's son was there whenever he was there, and so whatever he had to say Weidener's boy could tell probably as well as I, perhaps better.

Q. I understand, but never mind Weidener's boy. Do you mean to say that all the time you were over there you had no conversations personally with Kelly?

A. In what way?

Q. In any way?

A. You say personally, me and Kelly?

Q. Yes, do you recall any conversation in which you and Kelly were the only participants?

A. No, sir.

Q. Never?

A. No.

Q. Any that you had with Weidener alone?

A. No.

Q. Was Kelly there after you left, when you left, when the Eichorns got through there?

A. I think he went before we left.

Q. And do you remember the circumstances of his going?

A. No, nothing more than that he said he was going out to Franklin Park, I think he said.

Q. He told you this?

A. Yes.

Q. This was one of the conversations you had when Mr. Weidener was present, was it?

A. What is that?

Q. How did Kelly come to tell you?

A. He came there one morning and didn't go to work. He said to Weidener — not to me personally — said to Weidener: "I am going over to Franklin Park or Neponset."

Q. And you recall that that was how long before you left?

A. Oh, it might have been two weeks.

Q. Who was the boss there, who had general charge of receiving the loam over Weidener?

A. Well, Mr. Pettigrew used to come there every few days and look the thing over, walked down where we dumped the loam and look it over.

Q. When Kelly went who took his place marking the checks?

A. Then the only ones left to mark the checks were Weidener's son, Abbott and Weidener. Towards the latter part of the week, when we got through taking the loam, it wasn't coming so fast, and they could take care of it quite handy. But take 175 or 200 loads coming in a day, and it was quite a job to handle them.

Q. Did you have any business relations with this Kelly that necessitated your offering him money?

A. Never.

Q. Did you ever offer him money?

A. Never.

Q. Did you ever hear it said that you offered him money?

A. Never.

Q. Have you ever heard it said that Kelly had a bicycle while there?

A. Yes, sir; he came and borrowed it off me.

Q. Then you didn't make him a present of the bicycle?

A. No. I didn't.

Q. How long did he keep the bicycle?

A. He has it yet.

Q. Did you ride that bicycle yourself?

A. I did.

Q. Did you ever ask him to return it?

A. I did.

Q. When?

A. After he had had it for two or three weeks.

Q. What did he say to you?

A. He said he was still riding it — that was all.

Q. Your bicycle?

A. Yes, sir.

Q. And it was the season of the year when you could ride the bicycle?

A. Well, I don't have much time.

Q. You didn't buy it for the purpose of riding it?

A. Well, I rode it for four or five years.

Q. It wasn't worth $85?

A. No, sir.

Q. Did you ever tell Kelly it was worth $85?

A. No, sir.

Q. Did you ever say that Kelly could have that bicycle for services?

A. No.

Q. And that was two years ago, Mr. Eichorn?

A. Two years ago in July, as I recall it.

Q. That bicycle was worth how much?

A. Cost $35 when new.

Q. What was it worth then?

A. I don't know.

Q. As bicycles go, would it be worth $5 now?

A. It might be.

Q. But you wouldn't say what it was worth?

A. I don't know — it would depend upon the condition it was in.

Q. Did you ask Kelly to give it back when you saw him yesterday morning?

A. No, sir; I didn't say anything about the bicycle.

Q. Do you know anything about Kelly's doings since he left the place?

A. No, sir.

Q. Did you ever make any effort, that you recall, to recover the bicycle?

A. No, sir.

Q. Why not?

A. It wasn't worth while fooling about.

Q. Didn't you think it was worth while when you were at Marine Park?

A. I didn't.

Q. Where did he get it?

A. From me.

Q. Whereabouts?

A. At my house at Jamaica Plain.

Q. How did he happen to call at your house for it?

A. Well, this Weidener boy was riding around on a bicycle, and he was speaking about it. He said he would like to have one, and I said, "I have a bicycle, and I will let you take it." He said, "Can I come out to-night and get it?" and I said "Yes," and he came out and got it.

Q. This is the boy you had so few conversations with personally?

A. Yes, sir.

Q. And yet he asked you to lend him a bicycle,or you offered to lend him a bicycle?

A. Yes,sir.

Q. And you named no time when he should return it?

A. No.

Q. Did you set any value on it to him?

A. No.

Q. And never cared if you didn't get it back?

A. Well, it wasn't a valuable wheel enough to make much talk about one way or the other.

Q. You say you never offered him any money?

A. No, sir.

Q. Does your brother, Albert Eichorn, live on Massachusetts avenue?

A. Yes.

Q. Have you seen Mr. Kelly at the house of your brother, on Massachusetts avenue?

A. No, sir.

Q. Do you know of Mr. Kelly being at the house of your brother, on Massachusetts avenue?

A. No, sir.

Q. Do you remember hearing your brother say so?

A. No, sir.

Q. Do you remember this Kelly leaving town at all?

A. Yes, sir.

Q. Where did he go?

A. I don't know.

Q. Where did you hear about it?

A. Well, one afternoon a telegraph boy came to my store, and said: "I am in New York."

Q. The telegraph boy said that?

A. Brought a message — I don't remember just what the words of it were — saying that he had gone to New York and lost his ticket, and wanted to know if I would deposit the price of a ticket.

Q. Kelly did?

A. Yes, sir, and signed "W. J. Kelly."

Q. Yes?

A. Well, I have a friend, Mr. W. J. Kelly, who is in the rubber business here in the city, and at the time I thought it was he. I never placed this man as being the party, so I went over to the Providence depot and explained the matter there, up in the office, and left the price of a ticket, and I think it was on Saturday. The next day, on Sunday, I went down to my friend's house, who lived on Parley Vale, to inquire if it was he who sent the telegram, and he said no, he hadn't sent it. Then I went over to his house, where he lived, and he wasn't there.

Q. You mean this Kelly?

A. Yes, sir — to see if it was he who had sent it to me, and he was not there.

Q. How many friends named Kelly have you?

A. There is this Kelly, who lives out at Robin Wood street, at Jamaica Plain, Thomas Kelly, used to be in the woolen blanket business —

Q. I ask you to confine yourself to the William Kellys?

A. That is the only one — the one I have referred to.

Q. I thought you said you knew two William Kellys?

A. No, only one.

Q. You said you thought that telegram came from one William Kelly?

A. Yes.

Q. And afterwards you knew positively that it came from another?

A. Yes, sir.

Q. What business is this William Kelly in?

A. The rubber business.

Q. A broker?

A. Travels.

Q. For the concern?

A. Yes, sir.

Q. And had this William Kelly ever telegraphed you for a ticket before?

A. No.

Q. Had the William Kelly you supposed you were sending the ticket to ever telegraphed before?

A. No.

The committee took a recess at 5 P.M.

The hearing was resumed at 5.08 P.M., Alderman JORDAN in the chair.

Q. (By Mr. LUNDY.) Now, is there any other article that you own personally, Mr. Eichorn, that you ever lent to Mr. Kelly?

A. No, sir.

Q. There isn't?

A. No, sir.

Q. Now, in the last two years, how many times have you telegraphed money or tickets to anybody?

A. Once.

Q. To whom?

A. Mr. Kelly.

Q. That is that case that we spoke of?

A. Yes.

Q. Now, you received this telegram about what time in the day?

A. I think it was along about 10 o'clock in the morning or something like that.

Q. And you telegraphed this ticket to him at what hour?

A. Along 3 or 4 o'clock in the afternoon.

Q. During that time you might have called upon Mr. Kelly in his place of business?

A. I did. I went down there.

Q. What did they say to you?

A. That he was out of town.

Q. Did they tell you what part of the country he was in?

A. No, sir. I asked them when he would be back, and they said Monday.

Q. Did you telegraph any message?

A. No.

Q. You telegraphed just the ticket, and no message?

A. Yes, sir.

Q. When did you next see Mr. Kelly, after telegraphing the ticket?

A. When did I next see him?

Q. Yes.

A. Well, it might have been three or four months afterwards, when I met him on the street.

Q. You have never given any money at all to this man?

A. No, sir.

Q. Never gave him anything else in the way of a ticket?

A. No, sir.

Q. You don't know why you should telegraph a ticket to him, do you?

A. I stated my reason.

Q. That is, under a mistake?

A. Yes, sir.

Q. Would you have telegraphed a ticket if you had known the circumstances as they were?

A. No, sir — well, I don't know that I wouldn't. I have no reason for saying I wouldn't.

Q. Where do you live?

A. Newsome Park.

Q. Did you ever ride home in the car with this young Kelly?

A. No, sir — ride out to my house?

Q. Ride out on the same car from work at night?

A. I think there was once or twice, from South Boston, as far as Dover street.

Q. Well, during those times that you rode with him, you don't think it improbable that you talked to him?

A. Yes.

Q. You don't think it improbable, do you?

A. No.

Q. Do you ever remember Kelly carrying home with him loam books?

A. No, sir.

Q. Check books?

A. No, sir.

Q. What they call the "Black Book"?

A. No, sir.

Q. Do you know what that is?

A. Yes.

Q. What is that?

A. That is a book that belonged to Mr. Weidener.

Q. That is the record book, or duplicate check book?

A. Yes, sir.

Q. You never heard of his carrying that home?

A. No, sir.

Q. Did you ever ask him to fix any duplicate checks for you?

A. What is that?

Q. Did you ever ask him to fix checks for you?
A. I guess not; no, sir!
Q. Well, just answer the question.
A. No, sir.
Q. When did you have your last conversation with your brother?
A. With my brother?
Q. Yes; Albert?
A. I saw him last night.
Q. You saw him since Kelly was around?
A. Yes.
Q. Since he was at your office?
Y. Yes, sir.
Q. Did you mention the fact that Kelly had called upon you?
A. I did.
Q. What did he say?
A. I said: "Kelly was up to the store this afternoon."
Q. And then he said: "What did he want?"
A. He said: "What did he have to say?"
Q. What did you say to him?
A. I said he was up there, and he wanted to know if I was summoned.
Q. Then, Mr. Kelly went down there out of a matter of personal curiosity?
A. I don't know about that.
Q. Why should Kelly inquire whether you had been summoned or not?
A. I don't know.
Q. You have no idea about that?
A. No.
Q. Now, this bicycle that you loaned to Mr. Kelly, you never requested him to return?
A. I did; at South Boston.
Q. You took no steps beyond that?
A. No, sir.
Q. And at the present time, it is not in your possession?
A. No.
Q. Do you know when — by the way, what is the firm name?
A. Just Albert H. Eichorn.
Q. Do you know when he was supposed to receive payment for loam?
A. I think he was to draw a certain amount of money on the account of loam that had been delivered, between the first and the tenth of each month.

Q. Do you know whether or not an entire consignment of loam would be delivered long after the money had been paid him for delivering it?

A. What is that?

Q. Do you know whether or not your brother received payment for loam that he had not delivered yet?

A. Never.

Q. Now, you don't know that he didn't?

A. I do know it.

Q. How?

A. Because we figured up the checks together.

Q. You audited your brother's books?

A. No.

Q. You used to go over the books together?

A. No.

Q. You spoke about figuring up the books?

A. I said "figured up the checks."

Q. When were you accustomed to figure up the checks?

A. Along the first of the month.

Q. About once a month?

A. Yes.

Q. Could you state, from figuring them up, that no loam had not been delivered that had been paid for?

A. There was no loam paid for that had not been delivered.

Q. Where do you draw your money?

A. I suppose he drew it at City Hall.

Q. Did your firm bid for the privilege, or the right, to sell loam?

A. We did.

Q. What was your bid a cubic yard?

A. A dollar a yard.

Q. And did you receive, at any time, any less than one dollar a cubic yard for loam at South Boston?

A. No.

Q. You didn't?

A. No, sir.

Q. Do you know what that loam was delivered for?

A. The loam at South Boston?

Q. Yes?

A. It was used at Marine Park, to grade around the three little ponds on Q street.

Q. You didn't have time to see what they were doing with it?

A. Yes, sir.

Q. Was it put over the entire surface?

A. Yes, sir.

Q. Would you say that the loam was used properly?

A. Yes, sir. It was put there according to the directions. It —

Q. Never mind why it was put there. You don't know what use it was put to?

A. Yes, it was ploughed up.

Q. Do you know where Mr. Abbott is now?

A. I don't know.

Q. When did you see him last?

A. I haven't seen him since the day we left South Boston.

Q. Have you seen Mr. Weidener lately?

A. No, sir.

Q. When did you see him last?

A. I haven't seen him since about a month after I got through there.

Q. And you haven't seen any of them since this investigation started?

A. No, sir.

Q. Have you had any talk with anybody connected with the Park Department since this investigation was spoken of?

A. Didn't I tell you that Kelly was in the store yesterday?

Q. Well, outside of Kelly?

A. Yes; I saw Mr. MacCallum.

Q. You say you didn't write any letter to Kelly?

A. Never.

Q. And he came in there entirely of his own volition?

A. Yes, sir.

Q. And after he got there he had nothing to say except: "Have you been summoned as a witness?"

A. Yes, sir; that is all.

Q. And you didn't say anything, except that you had been summoned?

A. Oh, I think he asked me if I had seen Mr. Weidener. That is about all.

Q. Did he ask you for any money yesterday morning?

A. No, sir.

Q. And you didn't give him five dollars?

A. What!

Q. And you didn't give him five dollars?

A. No, sir.

Q. Why do you start at "five dollars"?

A. I don't know.

Q. How is that any more startling than one hundred dollars?

A. I don't see why you should enquire whether I offered him any money.

Q. Why do you start at that particular sum of five dollars?

A. There is no particular reason.

Q. Do you recall ever calling for an additional credit of loam delivered in South Boston?

A. No, sir.

Q. You don't recall asking someone in charge to give you credit for three thousand additional yards of loam?

A. How do you mean?

Q. Just as I say. I am asking you if you ever called for an additional credit of 3,000 yards of loam?

A. We put in 18,000 yards there.

Q. Yes?

A. Yes.

Q. That is all?

A. Yes.

Q. How many were you supposed to put in?

A. 18,000 yards.

Q. You never claimed that you had been credited with only 15,000 yards, did you?

A. No. I think when Mr. Weidener figured up his books there was a discrepancy of one or two hundred yards.

Q. How do you account for that?

A. Simply in carrying out his total number of yards.

Q. In whose favor was that one hundred or more yards?

A. In the Park Department.

Q. In favor of the Park Department?

A. Yes.

Q. You made some row about that?

A. Yes.

Q. And you were afterwards credited with what you thought belonged to you?

A. We were afterwards credited with what we thought belonged to us?

Q. Yes?

A. No; it was just exactly what their books showed belonged to us.

Q. Let me get this distinctly. You said that Mr. Weidener's books differed from your accounts by some two hundred cubic yards of loam? Is that so?

A. Yes; I believe that is right.

Q. Now, there was some difficulty raised by you about that, of course?

A. Yes.

Q. And what was the final adjustment of that mistake?

A. He found where he had made an error.

Q. As against you?
A. Yes.
Q. And it finally was adjusted just as you wanted it?
A. No.
Q. You wanted what belonged to you?
A. Yes; sure.
Q. How much of that did you get?
A. About one hundred or one hundred and twenty-five yards, I think.
Q. Did you persist in calling for the seventy-five yards that you hadn't got?
A. Yes.
Q. What was the reply to that?
A. As I remember it, they went over their books, and they found it was a matter of thirty yards, in the end of it.
Q. Was that finally credited to you?
A. I believe so.
Q. Don't you know?
A. I don't know whether it was or not.
Q. Weren't you looking over the books all the time?
A. No.
Q. You were looking at the check stubs?
A. Well, I couldn't; they had them.
Q. Well, looking over the memoranda that your firm kept?
A. Yes, that Mr. Weidener sent.
Q. You had some curiosity how your brother was getting along?
A. No curiosity at all.
Q. You were managing his business?
A. No; he was managing it himself.
Q. You were managing that end of it?
A. No.
Q. You were responsible for his interests in delivering the loam?
A. I was responsible for the loam; yes.
Q. But you didn't find out whether he got what was coming to him or not?
A. I told you he said they finally adjusted it to a matter of thirty yards. Whether they gave him that or not, I don't know.
Q. Do you recall any conversation between your brother and this Kelly boy about clothing?
A. No, sir.
Q. Never heard them discuss the matter?
A. No, sir.
Q. Where does your brother buy his clothes?
A. I don't know.

Q. Do you know whether he has an account at Macullar & Parker's?

A. I don't know.

Q. Where do you buy yours?

A. I have them made.

Q. Do you ever have them made at Macullar & Parker's at all?

A. I don't think so; no.

Q. Do you know whether your brother ever gave a suit of clothes to Mr. Kelly?

A. I don't think he did.

Q. You don't know anything about it?

A. I don't know.

Q. Do you know, Mr. Eichorn, of any money passing between your brother or yourself and anybody connected with the Park Department, at that place?

A. Never; no, sir. I can positively say so.

Q. How many shanties did you have over there?

A. One.

Q. Who occupied that?

A. Mr. Weidener and his son, Mr. Abbott —

Q. And Kelly?

A. Yes; and myself.

Q. And you used to go to the shanty rather frequently?

A. Right along.

Q. Did any money ever pass there in the shanty — I mean in a perfectly proper business way?

A. The first of the month we paid out a few thousand dollars to the teamsters; yes.

Q. Where did you draw your money?

A. He drew it here, in City Hall.

Q. Your brother did?

A. Yes.

Q. And he paid off some of his men at Marine Park?

A. Yes; those that preferred to have it. Some of them came from Somerville, and they sent their bills in the first of the month, and the money was paid to them there.

Q. Whether or not that generally happened on a Saturday?

A. On a Saturday?

Q. Yes.

A. No, I don't think it was necessarily on Saturday. It generally happened on the fifth or sixth of the month — from the third to the sixth.

Q. Did you ever see any official of the Park Department give two dollars to Kelly?

A. No, sir.

Q. Never saw that?

A. No, sir.

Mr. LUNDY. — Have you any of those little books here that were used at Marine Park at that time, Mr. Clarke?

Mr. CLARKE. — (Handing book of stubs to Mr. Lundy.) This was used at Leverett Park.

Mr. MATTHEWS. — What is that?

Mr. LUNDY. — I asked him if he had any records of loam delivered at Marine Park at that time — Oh, I am to blame. I promised to name what I wanted, and I didn't do it.

Mr. CLARKE. — I brought this one in, just to show what they were like.

Mr. MATTHEWS. — What is it?

Mr. CLARKE. — I say I brought in one, just to show what it is. That is a stub, such as the one he asks about.

Mr. MATTHEWS. — Show it to the committee.

(The book of stubs was handed to the committee.)

Mr. LUNDY. — Now, at the next hearing, will you bring in the stubs in relation to Marine Park?

Mr. CLARKE. — Yes, sir.

Q. (By Mr. LUNDY.) Have you gone over your brother's books recently at all?

A. No, sir.

Q. You don't know anything about the present state of his business?

A. No, sir.

Q. Did you work for him last summer?

A. No; I was out to Brookline.

Q. Well, working for him?

A. Yes, but I was out to Brookline.

Q. All this we have stated occurred in 1898?

A. Yes, sir.

Q. That is so, isn't it?

A. I believe so.

Q. And last year you had nothing to do with the work on the Park Department of the city of Boston?

A. No.

Mr. LUNDY. — That is all for the present, Mr. Chairman. I shall recall him.

The CHAIR. — Any questions any of the gentlemen of the committee would like to ask Mr. Eichorn? (No response.) Any question that you desire to ask, Mr. Matthews?

Mr. MATTHEWS. — No, sir; not until Mr. Lundy gets through. I suppose you will recall the witness at the next hearing?

Mr. LUNDY. — Yes, sir; I intend to — no, I won't. I am through with him.

Mr. MATTHEWS. — Well, then, Mr. Eichorn, will you come back to the stand?

The WITNESS. — Yes, sir.

Mr. MATTHEWS. — Mr. Lundy, you asked him to produce certain letters, I think?

Mr. LUNDY. — No; I asked Mr. Clarke to bring in those stub-books, but that is for another witness.

Mr. MATTHEWS. — I thought you asked the witness to produce his books?

Q. (By Mr. MATTHEWS.) Didn't he ask you to bring in your books at the next hearing, Mr. Eichorn?

A. Yes, sir.

Q. Will you bring your books?

A. Yes, sir.

Mr. MATTHEWS. — Then I have nothing to ask the witness now.

Mr. LUNDY. — The best idea I had was that he had no books to bring.

Q. (By Mr. MATTHEWS.) Well, will you bring your books and your brother's books?

A. Yes, sir.

Q. And your contract, and anything else that has to do with your connection with the Park Department?

A. Yes, sir.

Mr. LUNDY. — I thank Mr. Matthews for the suggestion. I will use him again.

Mr. MATTHEWS. — Well, at the next hearing?

Mr. LUNDY. — Yes.

Mr. MATTHEWS. — I don't want the examination of the witness suspended, and then to have him kept waiting for two or three weeks before he is recalled.

Mr. LUNDY. — Mr. Chairman, this hearing is going to continue for some time longer this afternoon?

The CHAIR. — Until six o'clock, I understand.

Mr. LUNDY. — Well, as a matter of courtesy there are certain things that I am precluded from touching upon this afternoon, because of the absence of some of the men affected. For that reason, you will see that I cannot go ahead very materially. There are some questions that I might ask Mr. Clarke — some things that I wanted to know about at the present time — but I should use him merely as a time-killer, for the reason that the other evidence cannot be brought out this afternoon, for the reason that it cannot be produced until certain people are present.

Mr. MATTHEWS. — Cannot you get all the records you want from Mr. Clarke this afternoon, just to save time?

Mr. LUNDY. — Well, I don't know just what records I want just at the present time.

Mr. MATTHEWS. — Well, he is here with a large number of books.

Mr. LUNDY. — Well, on what subjects have you records here now, Mr. Clarke? Have you any records beside the loam records and the real estate records? I am pretty thoroughly through with them.

Mr. CLARKE. — I have a reference to this contract, I believe. I was just looking over these. I have notes of grading and filling in different places, and I think I have also a reference to that contract of Eichorn's.

Mr. LUNDY. — But there is nothing that I can touch upon now?

Mr. CLARKE. — Well, just as you say about that.

Mr. LUNDY. — Well, anything that you think I should want?

Mr. CLARKE. — I have a matter relating to the superintendent.

Mr. LUNDY. — Well, he is not here.

Mr. CLARKE. — And, then, of course, there are all these matters in reference to the work in the parks, like the filling of the pools and the taking away of that wall, etc.

Mr. LUNDY. — Well, Mr. Chairman, I regret very much this waste of time, if there is to be any waste; but it is impossible for me to go ahead any at the present time, because of the absence of certain persons. There is no record at the present time here which is in any sense complete that will in any way aid me, and there is no record that I have here that is at all pertinent at this time. To save confusion, I don't want to put in facts that have no bearing on the matter under immediate consideration.

The CHAIR. — Well, is it possible for you to go on with the hearing if Mr. Pettigrew is not able to be here tomorrow?

Mr. LUNDY. — Well, as Mr. Pettigrew is at the present time at least two or three rings in the circle, I do not think I can; no. All the evidence that goes in now will concern Mr. Pettigrew, either directly or indirectly — and more directly than indirectly, at the present time.

Mr. MATTHEWS. — I should like to suggest that possibly you could save time by going over the Park Department records and accounts and picking out what you want, and then you could get through with Mr. Clarke, on them.

The CHAIR. — That is part of the preparation of the case, and should fall upon his shoulders. I do not think the committee should be burdened with all the dry records of the Park Department.

Mr. MATTHEWS. — It seemed to me it would save a good deal of time if that were done — but possibly the counsel has done so. I supposed that he hadn't.

Mr. LUNDY. — I haven't yet. I was going to say that there are certain things that I have not been able to do up to the present time, because I have had no information from the accountant employed by the committee; so I don't know just where we are. I hope for his assistance, not only in verifying the accounts of the Commission, but upon certain facts that I am going to to try to get at.

The CHAIR. — Then, practically, the situation is this: If Mr. Pettigrew is able to be here, we can go on to-morrow; if not, then we will not be able to go on to-morrow.

Mr. LUNDY. — Oh, I shall be able to go on to-morrow.

The CHAIR. — Without Mr. Pettigrew?

Mr. LUNDY. — Yes, and get in certain other stuff — only I should like to appeal to Mr. Pettigrew to recover as rapidly as possible, because he is the man that I want to go on with to-morrow.

Mr. MATTHEWS. — Do you want him, himself?

Mr. LUNDY. — No, I don't want him as a witness, but I want certain witnesses to testify, and those witnesses' testimony will affect materially Mr. Pettigrew; and we agreed that it should not be put in unless he were present. I cannot at the present stage go on with any profit to anybody.

The CHAIR. — Then, this hearing will stand adjourned until two o'clock to-morrow afternoon. I think Mr. Matthews should at that time, in case Mr. Pettigrew is not here, give the committee some proper assurance that he is physically unable to attend.

Mr. MATTHEWS. — Well, the only evidence I could give of that that would hold in a court of law would be to produce a physician's certificate.

The CHAIR. — Yes.

Mr. MATTHEWS. — If you want me to do that I will do it.

Mr. LUNDY. — I should say that is not necessary. I can put in any amount of testimony if he is not here. We can go on with other matters.

The CHAIR. — Well, if you can go on with other matters, very well.

Adjourned at 5.35 P.M., to meet on Wednesday, March 21, at 2 P.M.

THIRD DAY.

CITY HALL, March 21, 1900.

The committee met in the aldermanic chamber, City Hall, at 2 o'clock P.M., Chairman Norris presiding, and all the members present.

Appearances — Same as before.

The CHAIRMAN. — The committee will please be in order. Proceed, Mr. Counsel, with your next witness.

Mr. LUNDY. — If you will permit me, Mr. Chairman, I would like to ask Mr. Matthews if he knows whether or not Mr. Eichorn will be here to-day?

Mr. MATTHEWS. — He was here a moment ago. I did not expect him; but I saw him in the room.

Q. Do you know whether he is in the room now?

Mr. MATTHEWS. — I saw him when I came in, that is all.

Mr. LUNDY. — Is Mr. Eichorn here now? (No response.) The reason why I ask that question is that he was to bring in certain books.

Mr. COLLINS. — Mr. Eichorn said he wanted to get away this afternoon; that he has a couple of sick children. As for the books, he said he would bring them in when he was summoned. I wish to retract that — he said his brother would bring them in when he was summoned. They are not his books, but his brother's.

Mr. LUNDY. — I would like to examine Mr. Stratton for just a minute, please.

TESTIMONY OF CHARLES E. STRATTON. — *Recalled.*

Q. (By Mr. LUNDY.) You have stated, Mr. Stratton, that Professor Sargent's services to the Board are purely gratuitous?

A. Yes, sir.

Q. Now, how often do you see Professor Sargent?

A. Well, frequently.

Q. And does he come voluntarily to make suggestions or recommendations to your Board, or is he sent for?

A. He often makes them voluntarily.

Q. And you have a meeting of your whole Board before considering any of his recommendations or suggestions?

A. Yes.

Q. Well, during the last two years, for instance, Mr. Stratton, can you recall approximately how many of his suggestions or recommendations you have carried out?

A. No, I cannot. His recommendations have great weight with us.

Q. Well, now, to the extent of opposing any recommendation made by a paid expert of your department?

A. No, but — well, perhaps I should say this, that he takes the place of a paid expert in our estimation.

Q. There have been certain fees paid to paid experts within the last two years, haven't there?

A. I should say not in the last two years to landscape architects, although there may have been some isolated instances.

Q. Well, what is the business of the Olmsteds?

A. That is their business — advising landscape architects.

Q. You have employed them in the last two years, haven't you?

A. It is possible that bills may have been paid during the last two years, but I should have been surprised if any work had been done by them in the last two years, although possibly something has been done on playgrounds by them.

Q. The Olmsteds have not been consulted during the last two years, but were previously?

A. They were salaried men when I joined the Board. The department paid them something like, I should say, $3,000 or $3,500 a year.

Q. That is, the firm?

A. Yes, sir.

Q. And at the time Mr. Frederick Law Olmsted was the acting head of it?

A. No; at that time he was not in good working condition, and was not in the practice of his profession. He had retired, really.

Q. Well, for instance, do you recall an item of $350.87 paid to F. L. and J. C. Olmsted for advice during the past two years — or rather the years 1898 and 1899?

A. I would not say exactly what it was for, but I think in all likelihood it was some playground, and suggested by the Mayor, or it might have been something in regard to Columbia road. I could not be sure as to the date when their contract with the Board terminated, but certainly it was more than two years ago.

Q. Well, that item, you would say, was a specific item, and had nothing to do with their contract?

A. No.

Q. Their contract would require the payment of one lump sum?

A. I don't know how they were paid — monthly or quarterly, or how?

Q. Well, it would appear to you that that is not an item under their contract? It is not such an item, is it?

A. No.

Q. Now, state why, as it occurs to you, the Olmsteds should be considered particularly on the question of a playground?

A. Well, my recollection is that the Mayor on one or two occasions wished us to bring them in to make some plans for a playground.

Q. Now, you know personally that the Mayor had great confidence in Professor Sargent, hadn't he?

A. Yes.

Q. And Professor Sargent's knowledge goes beyond arboriculture, and extends to landscape gardening?

A. Yes.

Q. Now, do you recall the Mayor referring to Professor Sargent upon the subject of playgrounds?

A. Not in regard to planning playgrounds, although he may have done so on some occasion when such a subject was discussed?

Q. Do you know of any time when a proffer of money or a fee has been made to Professor Sargent for his services?

A. Not by this Board, no.

Q. Well, when it has been made by anybody that you know of?

A. I don't know, I am sure.

Q. Well, then, would you say that all Professor Sargent had done would be gratuitous?

A. To the City of Boston since I have been on the Board, yes.

Q. But the Olmsteds have been consulted from time to time on the matter of playgrounds?

A. Yes, but infrequently since the contract was terminated.

Q. Take, for instance, the Fellows-street playground. Can you conceive any reason why any of the Olmsteds should be consulted upon that?

A. I should think a playground of that sort could have been taken care of in our own department, in our own engineer department.

Q. Well, what playground that you have taken occurs to you in which it would be necessary to consult a landscape gardener in its arrangement?

A. Well, the Mayor was rather enthusiastic about having plans drawn in advance of money to execute the plans, and if he said to us, as he might have done, and as I think he did do once, and perhaps twice: "Won't you have the Olmsteds draw a plan, draw a sketch of a plan for laying out a playground?" of course, it would be done. On these one or two occasions we voted to do so.

Q. Well, where you take an ordinary plot of ground for the purpose of converting it into a playground, what plans do you really need to lay it out as a playground?

A. If there is a large plot of ground, and we have the money to develop it, of course, there are a great many things that might be done here — for instance, putting in a running track, on open-air gymnasium, depending a good deal upon the size of the playground. But we have been hampered by a lack of money to develop what we have acquired.

Q. I understand that, Mr. Stratton, but in how many of your playgrounds have you contemplated the construction of a running track or other features of gymnasia?

A. Well, they have been talked of on three or four.

Q. Well, you couldn't have thought of it in the Fellows-street ground, for instance?

A. No.

Q. Well, could you in the land you took from Mr. Costello, at Wells avenue?

A. No.

Q. Well, stating it as it occurs to you now, what kind of a ground is it where you would have been called upon to have the Olmsteds prepare plans?

A. Well, a playground of the size of that at North Brighton, or even the one at Neponset, or this ground we took at Old Harbor, that the Mayor thought could be used as a playground.

Q. But this Neponset playground isn't filled in enough yet to fix a running track?

A. Well, the Mayor, I think, was rather anticipatory, liked to see the plans on paper.

Q. Well, anticipatory for how many years, Mr. Stratton, should you say?

A. Well, that depends on how soon we get the money to carry out the work.

Q. I know, but with any money you could get from the city government do you imagine that that place could be put in any condition which would warrant consulting a landscape gardener concerning any arrangement of it, within, say, ten years?

A. I would say within a much briefer period.

Q. Five years?

A. I should say in regard to Neponset ground that that being in Mr. Pratt's immediate neighborhood, he is much more competent to answer about it than I. We have rather given him charge of it, and I would prefer that he should tell you about it.

Q. Well, I would question him more particularly in regard to the grounds in his section, but what I am trying to get at is this, that, of course, your Board as a body looks into all these different playgrounds?

A. Yes.

Q. And you can say at the present time just what you consulted the firm of Olmsted about, can you?

A. You are speaking of the time since the contract was terminated?

Q. Since the contract with them was terminated?

A. I should say they were consulted in regard to the laying out of Columbia Road, perhaps by the Street Commissioners and ourselves at the same time, and then, also, I think, at the request of the Mayor, they were asked to make plans of one or two grounds; and, if the North Brighton ground was one, of which I am not quite sure, although it seems to me that the North Brighton ground was one, possible the other was either the Neponset or the Old Harbor ground, which was bought in 1897, wasn't it? I forgetthe exact date.

Q. How does your commission figure with the landscape architects in the matter of fees?

A. After the termination of the contract?

Q. Yes, anything that goes in individually, now?

A. Well, whatever came in now, of course, they would send their bill for just the same as any professional man does.

Q. I understand, but this is the fact, is it not, — I understand that it is, although I don't know, — that an ordinary architect who designs a house is paid his percentage on some actual figures representing the price of the house?

A. Yes.

Q. Now, do landscape architects figure on the same basis?

A. That may be, if the plans are to be carried out at once, but in these cases they simply sent us a bill for professional services, the same as you or I would do in our profession.

Q. Well, can you understand why a bill of $350.87 should come in as a bill for a landscape gardener?

A. It struck me when the bill came in that there were, in addition to charges for professional services, some small items for blue prints and even car-fares, if I remember, those items of expense being added to the round sum for their services.

Q. Well, you and I, Brother Stratton, couldn't charge those in a bill for legal services?

A. I am afraid we should get ourselves disliked.

Q. Can you understand why a landscape gardener should put in car-fares and blue prints as charges in addition to his work?

A. It wasn't quite agreeable to us, but the amounts were small, and as we had terminated our contract with them, and these were little outside matters, we thought we wouldn't make any difficulty about them.

Q. Inasmuch as it struck you as a peculiar thing, did you or any member of your Board make any inquiry into that sort of items?

A. No; the Olmsteds stand very high in their profession, and we supposed the charges they made were simply the proper regular charges of the profession.

Q. Yes; but did you state that that item appeared to you as being peculiar? Now, I may state here, that the only way in which I find any one of the three members of the Park Commission to be involved in this inquiry is, that they have been somewhat careless, and the eighty-seven cents involved here is quite as important, from that standpoint, as if it were eighty-seven dollars.

A. I have given the reason why we did not refuse to pay it, — because they were people high in their profession, and we supposed that these were the regular and proper charges of men in their profession.

Q. Then you simply depended on their standing for the position you took on that matter?

A. On that matter, yes.

Q. Now, you have said, I understand, that you know of no particular instances in which the ideas of Professor Sargent conflicted with those of the Olmsteds?

A. No; I know of none, because at that time we were simply consulting Mr. Sargent, and had ceased to consult with the Olmsteds.

Q. But you do place almost absolute dependence upon the opinion of Professor Sargent, even if his services are gratuitous, as your own are?

A. What?

Q. You place almost entire dependence upon Professor Sargent's views?

A. Well, we felt that whatever expert we should choose would be one that we could trust.

Q. Well, do you recall any time that you were acting under the advice of Professor Sargent, where you hired the Olmsteds?

A. No; I do not.

Q. Now, would Mr. Clarke — or, rather, should Mr. Clarke — be familiar with these items of expense for landscape gardening?

A. I should think so.

Q. You think that might properly come within his province, as secretary of your Board?

A. Yes.

Mr. LUNDY. — I will excuse you, Mr. Stratton, for a while.

Mr. MATTHEWS. — Do you want Mr. Stratton every day?

Mr. STRATTON. — Well, I will come every day, Mr. Chairman, and if you don't want me I will return.

Mr. LUNDY. — I will probably want you once or twice more. Mr. Clarke, take the stand, please. (Mr. Clarke, the secretary of the Park Commission, came forward.) You may sit, Mr. Clarke. I shall not need the records for a minute.

TESTIMONY OF GEORGE F. CLARKE. — *Recalled.*

Q. (By Mr. LUNDY.) How often have you come in personal contact with Professor Sargent?

A. Very seldom.

Q. Well, during the past year, for instance, how many times do you think you may have met him?

A. Possibly two or three.

Q. In the two or three times you have met him what has been the subject of your conversation?

A. I don't remember having any conversation with him, especially.

Q. Do you mean to say that, in the two or three times you have met him the past year, you have only passed the time of day?

A. That is, in reference to being at the meetings he has been in on certain questions in which he was interested, relative to the Arnold Arboretum, or something connected with the parks.

Q. What I want to get at is, have you had any conversation with Professor Sargent upon the subject of any park improvements?

A. No.

Q. I mean by that, have you suggested any original ideas to him or he to you?

A. I spoke to him once in reference to the Arnold Arboretum, I believe.

Q. Do you do business with the firm of Olmsted?

A. We have had some matters from Messrs. Olmsted within the last two years.

Q. And you have been acquainted with the head of that firm, Frederick Law Olmsted, during your experience on the Park Department?

A. Yes.

Q. And when did he last take any active part in directing the arrangements of our park system?

A. I don't think he has for four years at least.

Q. Now, have you ever heard Professor Sargent discuss any features instituted by Mr. Olmsted?

A. I don't remember any.

Q. Well, you are quite familiar with this wall that was thrown into the pond at Jamaicaway?

A. Yes.

Q. Whether or not you heard that discussed before it was disposed of?

A. I heard it discussed in the Board meetings, but Mr. Sargent wasn't there.

Q. Have you heard it discussed outside a Board meeting?

A. No.

Q. You were present as secretary during these Board meetings?

A. Yes.

Q. Did you ever hear Professor Sargent give any reason for removing that wall?

A. I said he didn't discuss it at a Board meeting. I didn't hear any such discussion.

Q. You didn't hear him at any Board meeting where it was discussed?

A. No.

Q. Then, as far as you know, whatever opinion or suggestion Professor Sargent may have expressed in that regard was made to the Commissioners outside of a regular meeting. Is that so?

A. Yes.

Q. You don't miss many meetings, do you?

A. Not any, except when I am on my vacation.

Q. And you haven't missed many in 25 years, have you?

A. No.

Q. So, if Professor Sargent appeared before your Board and recommended the abolition of that part of the wall, you would have known about it, wouldn't you?

A. I would.

Q. Do you recall the particular meeting at which the abolition of that wall was considered?

A. I do.

Q. And which of your Commissioners at that time advocated the taking down and throwing away of that wall?

A. I don't remember any of them advocating it.

Q. Well, do you remember that any of them advocated it?

A. I remember that action was taken directing the superintendent to do the work.

Q. Have you the minutes of the meeting there?

A. I have.

Q. Will you take the trouble to look at your minutes? Are they very comprehensive, or are they very brief?

A. Of course, they are sometimes very brief and sometimes full.

Q. Of course, they might be comprehensive and brief, too, but I mean, can you tell by looking at your records what any one of your Board of Commissioners did on any particular matter?

A. I don't know that the records would state what any Commissioner said in regard to any particular thing.

Q. But do your records state the fact, if any Commissioner took certain action?

A. Not unless a report or plan was presented by the superintendent.

Q. Then your Commission might meet once a week and discuss many important matters, and all you would be able to tell, after consulting your records, is that a certain thing had been done. Is that so?

A. The action of the Board is what the records are intended to show.

Q. I mean as to detail, would you know how that action was brought about?

A. I might.

Q. Do you in this case know?

A. I know that some plan was before the Board and that it was considered and voted upon.

Q. Do you think you have the plan here?

A. I haven't the plan. I have the record of the plan.

Q. The statement?

A. The statement that the plan was before the Board.

Q. That is what I want. Get at that please?

A. (Reading) "The superintendent submitted a plan for lowering the walk and re-grading the shore of Jamaica pond, adjoining Pond street, which was approved, and the superintendent was authorized to do the work in accordance therewith."

Q. And the superintendent at that time was Mr. Pettigrew?

A. Yes.

Q. Then all the record you have is that Mr. Pettigrew submitted a plan?

A. Yes.

Q. Do you know personally whether or not that plan was backed by Professor Sargent?

A. I do not.

Q. You simply know that Mr. Pettigrew submitted the plan?

A. That is all.

Q. Do you recall whether or not at that meeting there was quite a considerable discussion over the disposition of this wall?

A. I think the superintendent stated how the work was to be done. I remembered his showing with a pencil sketch how he proposed to treat it.

Q. To take down the wall?

A. Yes, that is, to grade off the wall — what the slope would be, with a pencil.

Q. Well, do you remember any reason that the superintendent assigned for removing that wall — any architectural reason, any artistic reason?

A. I don't remember that he did.

Q. Well, now, did this pencil or pen sketch that he submitted refer to the removal of the wall and to the condition of the land after the wall was removed?

A. Yes.

Q. Or did it refer to the condition of the slope here?

A. It referred to the condition the shore would be in after the removal of the wall.

Q. Did you hear any discussion at that time about the slope of the pond after dumping the stone into it?

A. No, I did not.

Q. Do you remember any of the Commissioners asking what the eventual disposition of that stone would be?

A. I do not.

Q. You don't remember that question being raised at all?

A. No, not at that time.

Q. Do you remember at that time Mr. Pettigrew suggesting that the stone might be disposed of one way or another?

A. No.

Q. You said not at that time — do you remember any time when Mr. Pettigrew suggested what might be done with the stone?

A. I don't remember it at any meeting.

Q. Well, do you remember his stating that to any member or members of the Board?

A. I couldn't recall any distinct time that he stated definitely as to the matter.

Q. Well, can you state indistinctly any time when Mr. Pettigrew made any remarks to anybody connected with your Board concerning the disposition of that stone taken from that wall?

A. I know he did — I couldn't say as to the time. I think it was one time at the Chairman's office that he spoke of it.

Q. And do you know to whom he spoke of it?

A. To the Chairman, and possibly to the other Commissioners, if they happened to be there.

Q, I know, but, as you remember it, did they happen to be there?

A. I couldn't really say — it is not very definitely fixed in my mind. I know the question has been discussed between Mr. Pettigrew and one or more of the Commissioners, because I have heard it.

Q. And it is definitely impressed on your mind that he spoke to the Chairman, Mr. Stratton?

A. Yes; he is one of the Commissioners.

Q. Well, when the Park Department have any property to dispose of who issues the bids?

A. The Commissioners.

Q. Through whom?

A. They advertise in the newspapers.

Q. And who drafts that advertisement and who sends it to the papers?

A. Generally I draw it up.

Q. Well, isn't it a part of your duties, Mr. Clarke, to draw those up?

A. Yes.

Q. And did you in the matter of this wall draw up any advertisement for any of the papers?

A. No, indeed.

Q. Did you hear any suggestion that you should draw up such an advertisement?

A. No.

Q. Then so far as you know, the Commission did not care particularly what became of that stone taken from that wall?

A. Well, I don't know that they did or did not.

Q. Well, this is my question, — so far as you know, you don't know that the Commission ever cared what was done with that stone.

A. I think it was a simple matter of detail, which they left with the superintendent.

Q. Never mind what you think — what was the fact in regard to that? If you did not understand the question, I will ask the stenographer to repeat it. I am simply asking a plain question — you don't know anything that the Commission ever did to get rid of it?

A. No.

Q. And you think, as a matter of opinion, that it was left as a matter of detail with the superintendent, Mr. Pettigrew?

A. Yes.

Q. How often is Mr. Pettigrew called before the meetings of that Board?

A. Every meeting.

Q. Did you at any meeting hear the question of the value of this stone discussed?

A. No, other than the time when I say that I heard some talk with reference to it. I think that was after the attention of the Commissioners had been called to the fact that the stone was to be put into the pond.

Q. Well, after the stone had been destroyed, wasted — or had been disposed of, putting it in that way in fairness to your Commission — what did Mr. Pettigrew say then?

A. In reference to the disposition of it?

Q. Yes.

A. That it was a proper and economical way of disposing of it.

Q. Who asked him the question?

A. As I recollect the matter, the Chairman asked him the question.

Q. And the Chairman asked him this question, as you understand it, — after there had been some spur upon the Chairman from the outside?

A. I think there was a letter received from somebody.

Q. Well, have you any idea from whom that letter was received?

A. I think Mr. Harding wrote the letter.

Q. That is Mr. Herbert L. Harding?

A. Yes.

Q. And beyond questioning Mr. Pettigrew upon the subject of how he disposed of the stone, was any other action taken by your Board upon this complaint?

A. I think a letter was written to the Mayor with reference to it, to Mr. Harding's complaint.

Q. Now, as secretary of that Commission can you conceive any reason why your Commission should consult the Mayor upon a matter which belongs to that department?

A. Because I understand that Mr. Harding wrote to the Mayor.

Q. Well, the Mayor did not communicate it to you, did he, asking the reasons?

A. As I recollect it, the Mayor sent Mr. Harding's communication to the Board after he received it.

Q. Then the only satisfaction granted upon Mr. Harding's complaint was a reply to the Mayor?

A. A letter was also sent to Mr. Harding.

Q. And do you recall what was said in that letter to Mr. Harding, — if any satisfaction was given?

A. It would be difficult to state.

Q. The details of that?

A. The details of it.

Q. But was this stated to the Mayor and to Mr. Harding in your letters, that Mr. Pettigrew's reason for disposing of that stone was the reason which influenced the Board?

A. Yes.

Mr. MATTHEWS. — Mr. Lundy, hadn't you better get the letter, or a copy of it?

Mr. LUNDY. — I don't think it is important enough, unless you want it to go in.

Mr. MATTHEWS. — I think so.

Q. (By Mr. LUNDY.) — Have you a copy of that letter here, Mr. Clarke?

A. Not here.

Q. Will you produce it when you are here next, Mr. Clarke?

A. Yes.

Mr. MATTHEWS. — The letter from Mr. Harding, too, and all the correspondence?

Mr. LUNDY. — Yes, and all the correspondence in that regard?

Q. (By Mr. LUNDY.) Now, all the bills for service presented by the firm of F. L. & J. C. Olmsted — if that is the name of the concern — the past few years have passed through your hands, have they not?

A. They have.

Q. Then you are more or less familiar with them?

A. Yes.

Q. Can you recall what services the Olmsteds rendered to the city, the Park Department, during the year 1898?

A. They made a number of plans for playgrounds and submitted bills for their services.

Q. Well, do you know of any playground put into condition during the year 1898 that was put into condition upon those plans?

A. No, I do not.

Q. Well, do you know whether or not there have been plans submitted by the Olmsteds to your department that have not been carried out?

A. I might say, in answering your last question, that the plans for the First-street playground called for a track, which was carried out.

Q. The Fellows-street playground?

A. The First-street playground, South Boston, the Point.

Q. Yes, and do you know whether or not that track was ever constructed there?

A. It was, yes.

Q. Is it there now?

A. It is there now.

Q. Now, to come to my next question, do you know of any plans submitted by the Olmsteds, and for which the Olmsteds were paid, that were not carried out by the Commission after they were received?

A. I don't think many of them were carried out.

Q. You don't think many of the plans submitted by the Olmsteds were carried out, after being paid for?

A. No.

Q. Well, can you suggest any reason to this committee, Mr. Clarke, why those plans were not carried out?

A. Because the playgrounds have not been constructed. They are in the same condition as when they were taken.

Q. Is that simply a matter of expense?

A. Simply a matter of expense.

Q. And that has nothing whatever to do with any opinion of Professor Sargent's that might be brought in?

A. Oh, not at all.

Q. It is your experience, then, or your opinion based on your experience, that after the Olmsteds were requested to furnish an opinion the Commissioners would carry out that opinion after paying for it, without regard to what Professor Sargent would say?

A. I don't think there is any question as between Professor Olmsted's and Professor Sargent's plans. I haven't heard of any.

Q. Do you know whether or not, from your personal experience, this Board expected to receive this money when it started out with contemplated plans?

A. The Board has asked money for playgrounds more than once.

Q. But before asking for money for playgrounds, according to your evidence, it has gone ahead and had plans prepared?

A. Yes, sir.

Q. And, so far as you know, on whose recommendation did the Olmsteds furnish plans to your Commission?

A. I think the recommendations, a great many of them, came from the Mayor.

Q. Can you name any action taken by your Board during the last four years that was not taken upon the recommendation of His Honor the Mayor?

A. Oh, yes.

Q. Anything that amounted to anything material?

A. I think his recommendations related chiefly to the playground question.

Q. Aside from mere matters of detail in individual parks, do you recall any transaction or any plan of any importance, carried out by your Commission, that was not suggested by the Mayor of Boston?

A. They were numberless.

Q. There were numbers of them?

A. Yes.

Q. Now, will you cite a single instance?

A. In the matter of grading the "Greeting," changing the original plan to one of a glade. That was carried out without any reference to the Mayor's suggestion.

Q. I understand, but that mere changing of the grading and making a glade there instead of the "Greeting" is a mere matter of detail concerning one of your parks, isn't it?

A. It seems to me that is a large question, a matter of some importance.

Q. Well, it doesn't involve an original purchase of land, does it?

A. I didn't know you had reference to purchase of lands.

Q. No, I didn't, but I meant something material within the scope of your department. Now, you speak of a "Greeting" and some grading — that is in Franklin Park, isn't it?

A. Yes.

Q. Now, do you recall anything else done by your Board that the Mayor did not instigate or suggest during the last four years?

A. Practically all the business, except that relating to playgrounds.

Q. You understand, Mr. Clarke, that in putting these questions, I don't mean to infer that the Mayor of Boston, whoever he may be, came down and dictated letters or dictated the details of your department, but do you mean to tell the committee that the only matter in which the Mayor of Boston ever interfered was in the matter of the selection and purchase of playgrounds?

A. I think it largely consisted of that.

Q. And was your Commission as a body accustomed to wait upon the Mayor very frequently?

A. The Mayor has been before the Board quite a number of times.

Q. At your regular meetings?

A. And the Commissioners have been at his office on invitation.

Q. Well, the Mayor appeared at the office of your Board only on regular meeting days, I presume?

A. That is all.

Q. You have never seen him there at any other time?

A. No.

Mr. LUNDY. — That is all for the present, Mr. Clarke.

The CHAIRMAN. — Does any member of the committee desire to ask any questions?

Q. (By Alderman GERRY.) Mr. Clarke, do you remember an editorial in the Boston Transcript in regard to this letter of the Park Commissioners, in reply to Mr. Herbert L. Harding?

A. I remember a communication; I do not remember an editorial.

Q. Well, do you know who wrote that editorial — if it can be so considered. I think it was on the editorial page?

A. I know there was a communication in the Transcript which supported the action of the Board with reference to the wall.

Q. Yes, I suppose that is what I mean?

A. I think that was signed by a pseudonym.

Q. By whom?

A. By a pseudonym, an assumed name.

Q. No, I think the one I mean came from your office?

A. There was one afterwards, I think.

Q. There was a letter that went from your office to Mr. Harding, was there not?

A. Yes, a letter, but I am speaking of what appeared in the Transcript.

Q. Yes, but there was a letter that went from your office to Mr. Harding in reply to his letter. I believe you have stated that, have you not?

A. Yes.

Q. And then, subsequently, there was this communication — it might have been called a communication — which was on the editorial page, I think.

A. I think it was signed by initials.

Q. As I remember it, it was signed by Mr. Stratton. I won't be positive about that.

A. I think there was an interview with Mr. Stratton on the editorial page.

Q. There was this communication that appeared on that page?

A. I think it was an interview, but it contained that letter.

Q. It was an interview, then, was it?

A. Yes, sir; I think so.

Q. That had nothing to do with the editorial matter, then, as far as you know?

A. No, I think it was an interview. I think, however, that the paper did express some opinion.

Q. Yes, it did express an opinion. But, as I understand it, that letter was put into the columns of the Transcript by the Park Commissioners.

A. I couldn't say — I couldn't tell where they got the letter.

Q. Yes, but you have heard or know that the Transcript got it, and that the Herald and Globe and other papers did not get it?

A. As I remember it, the letter was written to the Mayor, and they may have got it from the Mayor.

Q. May have got it from the Mayor?

A. At the time it occurred to me that they might possibly have got it there.

Q. Did it seem strange to you that those remarks and also that letter should have been in that paper in answer to the letter from a man of Mr. Harding's position, and that Mr. Harding's letter, that called forth that answer, was not published, the public thereby not being shown what the value of Mr. Harding's contention was, and leaving the advantage on the side of the Park Commission, we will say? Did it strike you as being eminently fair and proper?

A. I don't think I thought about it at all with reference to that feature.

Q. Well, I did, as well as quite a number of others. There was that letter that emanated from the Park Commission, as I understand it. I don't know where they got it, but there was the letter, without a doubt, and there were remarks before the letter and I think perhaps a few after the letter?

A. Yes.

Q. And it simply stated that that letter that was placed there in print was sent to Mr. Harding in reply to his letter, without Mr. Harding's letter being there at all?

A. My impression is that that letter was the letter sent to the Mayor, and not the one sent to Mr. Harding.

Q. Well, it was a reply to Mr. Harding, and it doesn't make any difference whether it was sent to the Mayor or anybody else?

A. Well, it would be a different letter.

Q. Well, it was a letter sent to Mr. Harding in answer to the one he wrote, was it not?

A. Well, I have said already that I think it was the letter sent to the Mayor, but I couldn't tell without looking.

Q. Well, I don't mean whether it was sent to the Mayor or the Mayor's secretary, but it was a letter sent in reply to Mr. Harding?

A. As a reply to Mr. Harding's communication, yes.

Q. Of course, it struck me as being very peculiar that only one side in a contention should be represented, that it was hardly fair to Mr. Harding.

A. I am inclined to think that the criticism of the removal of the wall or the disposal of the stone was mentioned in the first part of the article, and that the letter was given in answer to that.

Q. Yes, of course, that is all true, as I remember it, but it wasn't given in Mr. Harding's forcible language, in the way that he would write such a letter. The fact was stated that he had remonstrated, but his letter was not there to show the public what his contention was, so they could not judge?

A. As I remember it, his letter was not a long letter, or one that went into the matter fully at all.

Q. Well, it was rather a forcible letter, was it not?

A. Well, I think it called on the Mayor to stop the Commissioners from putting stone into the water until the matter had been looked into — a very minor matter.

Q. Oh, a very mild letter; one such as Mr. Harding usually writes?

A. I say a minor one.

Q. Oh, minor?

A. Yes.

Cross-Examination.

Q. (By Mr. MATTHEWS.) Wasn't Mr. Harding's letter published in the Transcript?

A. I couldn't say, I don't remember.

Q. Either in this article, or the same issue of the paper or some preceding paper?

A. I don't think it was.

Q. Do you know whether the Commission received permission of the Mayor to publish this article?

A. I don't know how that interview occurred relating to the letter. I never heard anything especially about it, and have no knowledge.

Q. You don't remember that Mayor Hart requested the Commission to state the reason for this having been done, in such a way as to cause the interview?

A. No, I do not. It purported to be an interview with the Chairman.

The CHAIRMAN. — Any further questions? (No response.) That is all, Mr. Clarke.

TESTIMONY OF JAMES M. PRENDERGAST.

Q. (By Mr. LUNDY.) Your full name, Mr. Prendergast?

A. James M.

Q. And you live where?

A. Boston.

Q. And you are a member of the Park Commission?

A. Yes, sir.

Q. And you were appointed some time during last year?

A. I have been a member since about the first of June, last year.

Q. Well, 1899?

A. Yes.

Q. Then you have not served quite a year as a Commissioner?

A. No, sir.

Q. Now, upon taking your office, Mr. Prendergast, did you make any particular inquiry into the condition of the department?

A. Yes, in a general sort of a way.

Q. Well, such as you would on assuming a position on the directorate of any corporation?

A. Yes, I think so, sir.

Q. And you are a director?

A. In two corporations — the Boston Elevated Railroad and the Washington Bank.

Q. Now, as a result of your investigation, Mr. Prendergast, did you unearth anything that appeared to you to be not right?

A. I did not.

Q. How much time have you devoted to the business of the Park Commissioners since you have been a member?

A. Well, a great deal.

Q. You attend all the regular meetings?

A. Nearly every meeting, and then we had a great many conferences at Mr. Stratton's office and Mr. Pratt's office between the meetings.

Q. On the subject of the department?

A. Yes, and then we have often driven out to Pine Bank Sundays.

Q. Now, aside from that general superintendence, have you considered at all the details of the department, such as would be connected with the superintendence of the department?

A. No, not in detail.

Q. You have met Mr. Pettigrew?

A. Yes, sir.

Q. And you have met all the foremen?

A. No, the only foreman I have met is Mr. Shea. I have met him two or three times.

Q. Now, since you have been a member of that Commission have you received any complaints?

A. In what respect?

Q. Well, anything regarding the administration of the Park Department?

A. Yes, for the last three weeks I have had a great many complaints.

Q. They are like the La Grippe in this season?

A. From men laid off and claiming favoritism in laying them off.

Q. Well, have you investigated any of those current complaints?

A. I have tried to, as far as I could. Of course, I have had to investigate through Mr. Pettigrew, and have had his assurance that everybody laid off was properly laid off, and that the men retained were the most efficient men.

Q. You understand that the general suspension is because of lack of funds?

A. A lack of funds, entirely.

Q. Now, have you encountered any instance of fraud on the part of any subordinate in your department?

A. No, sir; not since I have been a member.

Q. Well, have you discovered any that occurred when you were not a member?

A. I heard some time ago that Mr. Eichorn, who testified here yesterday, delivered mud from Squantum when he had

this contract that he spoke about, and I brought it up before the members of the Board and asked Mr. Pettigrew, and he assured me that it was not so, that the man delivered loam, in accordance with his contract.

Q. Now, in justice to Mr. Eichorn and to Mr. Pettigrew, may I ask this: Did you receive your information concerning the inferior quality of this loam, so-called, from any reliable source?

A. Yes. I forget who it was. I think somebody told me over a year ago, and I mentioned it two or three times.

Q. And you did consider that a question of some importance?

A. Yes, sir.

Q. Now, you accepted as final the opinion or statement of Mr. Pettigrew?

A. Yes, sir, and of Mr. Pratt. Mr. Pratt informed me also that he had been there a great deal of the time, and he didn't believe the thing could be possible.

Q. Well, you wouldn't accept Mr. Pratt as an authority on the quality of loam?

A. I would not, no; and I spoke, of course, to Mr. Pettigrew, because he was the official head.

Q. Now, do you know, whether or not, your Commission received a rental for any shanties upon the park grounds?

A. I cannot tell you that.

Q. You don't know about that?

A. No, sir.

Q. Then, as a matter of fact, you have never investigated the subject of rentals being due your Board from certain people in connection with the rental of shanties?

A. Yes, I have. There were some old buildings on the Charlestown playground, which I think have since been torn down, that we received rental for, but other than that I don't remember any.

Q. Then you will say that you don't recall any instance where a shanty has been let, where the rent has not come to your Commission, and into which you especially inquired?

A. No, sir.

Q. Now, no real estate transactions have taken place in your department since you have been on the Board, have they?

A. Yes; I think the taking of the Costello land was made while I was a member.

Q. Whether or not, Mr. Prendergast, you took a personal view of that land?

A. Yes, I did. I took about the same position as Mr. Stratton did. I was opposed to taking a large quantity, and compromised on a small quantity.

Q. Well, if you considered it in this way at all, did you consider that the smaller quantity was necessary at that time?

A. Yes; we thought is was necessary to have a playground there of moderate dimensions.

Q. Did you at that time have any conversation with Mayor Quincy in regard to this aside from what Mr. Stratton had?

A. No. Mr. Stratton was the man who met Mayor Quincy most of the time; he was the mouthpiece of the Board.

Q. You had some conversation with Mr. Costello?

A. I never met him but once in my life, I think.

Q. Any conversation with him on this particular land?

A. No, never on business at all.

Q. Do you know what Mr. Pratt's attitude was on that taking?

A. I think really the same as ours.

Q. Then the Board, as you remember it, thought it not altogether proper to take that land?

A. No, not altogether proper to take the large quantity. We thought it proper to take the smaller quantity.

Q. Now, Mr. Prendergast, is your recollection about the same as Mr. Stratton's — that the original suggestion as to taking that land came from the owner?

A. No, I think not. I think, as I remember it, that the suggestion came from Mayor Quincy.

Q. You don't recall any petitions from the citizens of that neighborhood?

A. No, I do not.

Q. And did it at that time occur to you to inquire at all as to the contiguity of other playgrounds?

A. No.

Q. That didn't occur to you then. Subsequently you discovered there were two or three in practically the immediate vicinity — that is, within a radius of a mile or two miles?

A. Yes.

Q. Can you tell us, Mr. Prendergast, anything especially as to the value of that land — I mean the actual value at the time?

A. No, I don't remember it now, sir.

Q. Well, if it had occurred to you at that time, Mr. Prendergast, you would have been able approximately to tell how much the land is assessed for in excess of its valuation, wouldn't you — its actual value, I should say?

A. I think we had all the actual figures at the time. I cannot recall now.

Q. Well, as you recall it, that satisfied you?

A. Yes, sir. I should not have voted for it if it didn't.

Q. And the price put upon it by the owner you considered greatly in excess — that is, taking the same attitude as Mr. Stratton?

A. No, I think my objection was to taking the large quantity of land — not the price per foot.

Q. Well, as a member of the Commission you would not give what Mr. Costello hopes the jury will give for that land — 40 cents a foot?

A. I think not, sir.

Q. Have you encountered Professor Sargent much, Mr. Prendergast?

A. Yes, considerable.

Q. And since you have been on the Board have any of the ideas submitted by Professor Sargent been carried out?

A. Some of them have, and some of them have not.

Q. Now, do you recall at any time any suggestion made by him — amounting to anything I mean — that was not carried out?

A. Yes, there was one suggestion made about the stone wall he thought we ought to build, that we didn't build. We were opposed to it. He was very strenuous about it.

Q. Do you remember the reasons he assigned for building that stone wall?

A. Well, he thought it was proper, where the parks abutted on any roads, traffic roads, that there should be a definite boundary in the shape of a stone wall, a permanent structure, rather than an iron fence that would have to be repaired very frequently.

Q. Well, since you have been a Commissioner have the Olmsteds been employed at all?

A. I have never met them at all.

Q. And you don't know whether or not they have been consulted?

A. No, sir.

Mr. LUNDY. — That is all, Mr. Prendergast.

The CHAIRMAN. — Does any member of the committee desire to ask any questions?

(No response.)

Cross-Examination.

Q. (By Mr. MATTHEWS.) Is there another gentleman of your name, Mr. Prendergast, connected with the Boston Elevated Railway Company?

A. Yes, sir; Mr. D. L. Prendergast.

Q. E. L.?

A. D. L.

Q. And what are his relations with the railway company?

A. He has charge of all their real estate.

Q. Have you anything to do with the real estate of the Boston Elevated Railway Company?

A. Nothing, except as a member of the Board of Directors — nothing directly.

Q. But there is another gentleman, who happens to have the same name as yours, who has special charge of that?

A. Yes, sir.

Q. And he is one of the regular employees of the company?

A. Yes, sir.

Q. On a salary?

A. Yes, sir; on a salary.

Q. (By the CHAIRMAN.) Is he your brother, Mr. Prendergast?

A. My cousin.

Q. I want to add just a question. Do you know the condition of things down at City Point in relation to that new landing that the Park Commissioners built?

A. In what respect?

Q. The landing that the Park Commissioners built there for the use of people there who are not members of any clubs or have not private landings of their own. The city has built a landing there, a public landing?

A. I don't remember that it was built for the use of individuals.

Q. It is for the accommodation of the public. Do you know that the Commissioners have given that over to Mr. Bow?

A. I do not, no, sir.

Q. Or, not to Mr. Bow, but to Mr. Sheldon?

A. Well, I don't recall it.

Q. And that Mr. Sheldon is charging the people ten dollars a year for the privilege of landing there?

A. I am not aware of it, no, sir.

Q. And that he is paying nothing for the privilege himself — you are not aware of it?

A. No, sir.

The CHAIRMAN. — That is all, Mr. Prendergast.

Mr. PRENDERGAST. — Mr. Chairman, I should like to say, in reply to a question of Alderman Gerry's, in regard to that article that appeared in the Transcript, that Mr. Stratton informed me that after the letter was printed he got permission from Mayor Hart to furnish the information to the Transcript.

Q. (By Alderman GERRY.) Well, on that point don't you think, sir, it would have been well for Mr. Stratton to have given Mr. Harding's letter, so that the public could have seen what Mr. Harding's contention was?

A. I think it would.

Q. Because you see the whole weight of the thing was against Mr. Harding, as it appeared in the paper?

A. I understand that Mr. Stratton consulted the Mayor first, before he gave the information, and that the Mayor authorized him to do it.

Q. Of course, if the Mayor authorized him to do it, that part was all right. I was not making any contention on the point as to who gave the permission, or authorized the publication. I was simply referring to the unfairness in the matter, Mr. Harding's letter not being printed?

A. I didn't know that it was to be done until afterwards — I didn't know of his intention to have it done.

Q. Of course, people don't take in everything when only one side is presented, in that way, and of course the advantage is to that side. It seemed to me a very unfair advantage that some one took of Mr. Harding, and also of this committee of investigation as well.

The CHAIRMAN. — That is all, Mr. Prendergast.

Mr. LUNDY. — Mr. Chairman, there is just a statement that I desire to make now, and it is suggested by the cross-examination of my brother Matthews. When I interrogated my brother Stratton yesterday on the subject of that transfer of property from the Boston Elevated Railway to the Park Commission, and when I mentioned in that connection the name of Mr. Prendergast, in connection with the Boston Elevated Railway, I want to state to the committee, and state positively, that I did not intend the slightest reflection on Mr. Prendergast, for whom I have the highest respect. I intended to make no allusion to Mr. Prendergast in connection with that deal. I simply want to make that statement, in justice to Mr. Prendergast and myself.

(Mr. Prendergast was excused at this point.)

The CHAIRMAN. — The next witness.

Mr. LUNDY. — Mr. Eichorn.

TESTIMONY OF EUGENE H. EICHORN. — *Recalled.*

(By Mr. LUNDY.) At the close of our examination yesterday, Mr. Eichorn, Mr. Matthews suggested that certain books be brought here.

A. Yes, sir.

Q. Have you them here?

A. I have no books to bring.

Q. As I left it yesterday, I supposed you had charge of your brother's books. Where may your brother be found now?

A. At 550 Massachusetts avenue.

Q. Has he an office?

A. There, yes, sir.

Q. 550 Massachusetts avenue?

A. Yes, sir.

Q. May he be found there at the present time, do you think?

A. I wouldn't be positive. I think he may. He may not be.

Mr. LUNDY. — May I ask how long this session is to last?

The CHAIRMAN. — We are to go on this evening.

(Mr. MATTHEWS, at this point, conferred with the committee, and it was decided that the recess should be taken at ten minutes of four.)

Mr. LUNDY. — Mr. Chairman, I will ask to have the Clerk of Committees summon Mr. Albert H. Eichorn to be here this evening, with the books of his business.

Q. (By Mr. LUNDY.) That was during, Mr. Eichorn, the summer of 1898, was it not, — that Marine Park work?

A. Yes, sir.

Mr. LUNDY. — I would like to have him bring the books for 1898, in connection with Marine Park.

Q. (By Mr. LUNDY.) Now, do you state, Mr. Eichorn, that you had no particularly friendly relations with William Kelly?

A. Yes, sir.

Q. Do you recall at any time when you went to lunch with him?

A. I think there were times when he went to lunch with us, yes, sir.

Q. Whom do you mean by "us"?

A. I and my brother.

Q. Then you do recall times when Albert H. Eichorn, the man delivering loam there, and you, his representative, did go to lunch with this tally boy.

A. We went to lunch at the same place, yes, sir.

Q. Didn't go together?

A. Yes, I presume we did.

Q. Didn't you or your brother pay for his lunch?

A. No.

Q. You are positive about that?

A. Yes, sir.

Q. Do you say that you didn't invite him?

A. I won't say that I never invited him, but I didn't pay for the lunch.

Q. Who else besides you three went there?

A. That is all I recall — I and my brother and Mr. Kelly.

Q. And you recall at this time that the only people you remember going to lunch at that particular place, or any particular place, were yourself, your brother and this Kelly? Is that so?

A. Yes, that is all I remember of.

Q. And it merely happened as a coincidence that you and your brother and Mr. Kelly went to the same place?

A. Oh, no, — the only place you could get any lunch.

Q. But it is quite possible that other men, laborers there, wanted lunch?

A. Yes.

Q. But all you recall going to that place is you three?

A. Yes.

Q. Now, if this Kelly goes on that witness stand and swears that for a period of from four to six weeks you or your brother, or both of you, took him daily to a certain place in South Boston to lunch, you would say that that was a lie?

A. I should deny it.

Q. You would say it is a lie?

A. I should deny it. I would say it isn't so.

Q. Well, do you say that Kelly did not go from day to day with you or your brother, or both of you, to any restaurant to eat?

A. Yes, sir; I do say so.

Q. Well, how many times would you say that Kelly did lunch with you?

A. Well, he may have gone four or five times, all told.

Q. During a period of how long?

A. We went there, as I remember it, the 5th of July, and I think we were through along in September, the first part of September. I am positive that we went there the 5th or 6th of July.

Q. How many times during these visits to the restaurant did you sit at the same table with Kelly?

A. How many times?

Q. Yes, how many times at the same table?

A. I don't remember sitting once at the same table.

Q. You think you sat at another table?

A. I don't remember sitting with him at the same table once.

Q. You would remember it wouldn't you, if you sat at the same table?

A. Yes.

Q. Then, you want to state that you never sat at the same table — is that it?

A. Yes, sir; that is the way I would put it.

Q. What makes you think he went to the same restaurant with you?

A. Well, very frequently, or a number of times — perhaps four, five, six, seven or eight times — when it would come along to noontime he would say, "I haven't brought any lunch with me."

Q. To you?

A. No, to anybody — "and I guess I will go down with you fellows to dinner."

Q. You heard this remark made by Kelly?

A. Yes, sir.

Q. What others did you hear make that remark — that they hadn't brought their lunch with them?

A. Oh, lots.

Q. Name them?

A. I have seen Mr. Abbott there when he didn't have any lunch with him.

Q. Well, did Mr. Abbott go along with you?

A. I don't remember.

Q. Mr. Weidener?

A. No. He lived handy, and probably went and got his dinner at home, at dinner-time.

Q. And, of course, his son would probably do the same thing?

A. Yes, sir.

Q. But you do remember, out of this crowd, that Kelly would remark once in a while that he had forgotten his lunch?

A. Yes, sir.

Q. And then you would all go along together?

A. Not necessarily — go alone.

Q. To some restaurant?

A. Yes, sir.

Q. Did you ever pay the check for him?

A. No, sir.

Q. Ever buy a cigar for him?

A. No, sir. I have given him a cigar, but didn't buy it there.

Q. At the restaurant?

A. No; it might have been at Marine Park.

Q. Now, if it were said, Mr. Eichorn, that 450 loads of loam were credited to you that your firm never delivered, you would say that that was a lie?

A. I should.

Q. Absolutely?

A. Yes, sir.

Q. And if it were said that 450 other loads were credited to you that were never delivered, would you say that that was an absolute lie?

A. Yes, sir. I don't know as I understand the question.

Q. You understood the other question?

A. Yes, sir.

Q. And would the same thing apply to the last?

A. I wish you would ask that first question again.

Q. Well, I will ask you this question, which will answer for both. If any witnesses were to state here approximately that your firm had been credited with delivering 900 loads of loam more than they actually delivered, would you say that that was a lie?

A. Yes, sir.

Q. And you would say also that it was a lie if a man declared that you had ever talked with him on the subject of giving him credit for loads he had not delivered?

A. Yes, sir.

Q. Have you had any conversation with your brother since our hearing yesterday?

A. I was with him last night.

Q. And discussed the matter of the hearing with him?

A. Not to any extent, no.

Q. To what extent?

A. To the extent that Mr. Matthews had requested me to bring, or have brought, his books and papers here to-day.

Q. Where did you see your brother?

A. At the house.

Q. What did he say?

A. He said "If they want me they can summon me, and I will come."

Q. That was referring to Mr. Matthews?

A. To anybody.

Q. I know, but you bore this suggestion from your brother to Mr. Matthews?

A. Yes, sir.

Q. He said he would bring them when summoned?

A. Yes, sir; when they were sent for.

Q. What books did your brother make up?

A. What books?

Q. Any connected with the business at that place?

A. I don't know.

Q. Well, how much of the business do you do?

A. None.

Q. Does your brother keep a clerk besides you?

A. I don't know.

Q. Whom do you work for now?
A. John Eichorn, 73 Kingston street.
Q. He is your father?
A. Yes, sir.
Q. Do you live with your father?
A. No, sir. I live at Jamaica Plain.
Q. Did you relate to your brother last night some of the questions we asked you here yesterday?
A. I did.
Q. And what comment did he make?
A. None whatever.
Q. Did you relate to him the bicycle incident?
A. I did.
Q. What comment did he make on that?
A. Thought you made a big thing out of it.
Q. Thought I did?
A. Yes.
Q. Thank your brother. Now, did your brother know anything about the ownership of that bicycle?
A. Did he know anything about the ownership of it?
Q. Yes, — to your knowledge?
A. No.
Q. Would your brother recall the time that you loaned the bicycle?
A. I think so.
Q. Did you tell your brother that Kelly was in your office yesterday morning?
A. I did.
Q. Did you tell your brother anything beyond what you have told us about that visit of Kelly's?
A. Nothing.
Q. Did you discuss that car ticket?
A. What is that?
Q. Discuss the money for the car ticket with your brother?
A. You made no reference to me about money for a car ticket yesterday.
Q. I asked you this question — did you telegraph money for a car ticket?
A. Oh, I beg pardon. I did.
Q. Was that discussed by your brother to you?
A. By him to me?
A. By him to me?
Q. Yes.
A. No.

Q. I ask you this, did you pay for that ticket out of your own money?

A. Yes, sir.

Q. Your brother has never been consulted about that?

A. No, sir.

Q. Is your brother doing any work at present for the Park Department?

A. I don't know.

Q. When were you connected with your brother's business last?

A. Last summer, at Brookline.

Q. And that work was not for the Park Department?

A. No, sir.

Q. Do you know whether or not your brother did any work for the Park Department last summer?

A. I don't know.

Q. Do you know of your brother furnishing loam to the Park Department last summer, loading it on the Back Bay Park?

A. Loading it on the Back Bay Park?

Q. Or dropping it, delivering it there, whatever you may call it?

A. He may have delivered some there.

Q. You think he did?

A. I think he did.

Q. You don't know it?

A. I don't.

Q. What makes you think so?

A. Because I heard him speak of delivering — I don't know whether it was the Boston park or the park over in Cambridge.

Q. But it was the Back Bay Park?

A. I don't know that it was the Back Bay Park.

Q. Who had charge of your brother's business last summer in the matter of receiving loam?

A. I don't know.

Q. What was your position under your brother last summer?

A. About the only thing I did last summer was out in Brookline, getting out gravel.

Q. Is your brother married?

A. No.

Q. Are you married?

A. Yes, sir.

Q. Your brother consults you more or less from day to day?

A. Not necessarily.

Q. Not necessarily, but as a matter of fact.

A. No.

Q. Well, when you are working for your brother in that capacity you have to know something about his general business?

A. Yes, sir.

Q. Now, cannot you tell anybody who was working for your brother last summer, aside from yourself?

A. Yes. Last summer?

Q. Yes.

A. Yes, a cousin of mine was working for him. They were getting loam from opposite the Mission Church, opposite Huntington avenue there.

Q. From whose grounds?

A. I don't know.

Q. What is your cousin's name?

A. Charles Eichorn.

Q. Where does he live?

A. 70 Westminster street.

Q. And Charles Eichorn acted as a foreman?

A. Yes, sir; he was out there with him.

Q. Now, anybody else you recall there working?

A. No.

Q. Charles Eichorn didn't work at the Back Bay Park did he, last summer?

A. No.

Q. And you didn't?

A. I said it was out there where they were getting the loam.

Q. Well, isn't it the business policy of your brother to send somebody to any place where loam may be received?

A. Not necessarily.

Q. Why were you at Marine Park?

A. Because we had a contract there. He had a contract there and a $5,000 bond on the contract that he would deliver the loam, and it was to be put in places designated by the foreman. We had stakes there covering the ground that was to be covered to the height marked on the stakes, and if there was nobody there to see that the teamsters put the stuff where it was wanted they would dump it anywhere and everywhere and go off.

Q. You mean to say that part of your contract was to deliver loam over the area there at Marine Park?

A. Yes, sir.

Q. Plant the loam?

A. Put it in place.

Q. And you had to have somebody there?

A. Where you have twenty contractors hauling loam to a place in the Park Department, they would dump it here or there, and it is necessary to have a man there to look after it.

Q. At Marine Park, for that reason, it was absolutely necessary to have a representative of your brother there?

A. Yes, sir. There were lots of places in Marine Park where it took eight horses to haul three yards of loam and put it where they wanted it placed.

Q. Do you recall any other members of your family engaged by your brother in this business?

A. No. I have a brother Freddy, who was over there in Marine Park with us part of the time.

Q. Do you know whether he knew Kelly?

A. I don't know — yes, of course, he knew him there, saw him there.

Q. What was this brother Fred doing?

A. Doing the same work I was.

Q. Was it necessary to have two of the Eichorns there at that time?

A. Well, I think it was; yes, sir.

Q. Did you divide up the work?

A. Partly; yes, sir.

Q. Then when you testified yesterday that you personally saw the laying out of all this loam, it was not so?

A. It was so.

Q. What was your brother doing when you were superintending one load?

A. They all came through the one gateway of the park to dump. I saw everything that came through there.

Q. But after that you knew nothing about it?

A. Where they unloaded the scows they had some dolphins sunk in the beach, and the scows used to be brought up on the tide and left there until the tide went out, and then they would go and unload them.

Q. What is a dolphin?

A. A couple of sticks stuck in the mud.

Q. The mark of a boat?

A. No, sir, to lay the scow to, to prevent it being blown ashore.

Q. All your loam at Marine Park was deposited at some spot above the high tide mark?

A. Yes, I think that was the idea, but it afterwards proved that it wasn't delivered there.

Q. Did it afterwards appear that loam had been deposited in places where it might be washed away?

A. It was washed away.

Q. How do you know that?

A. Because I happened to be there about a week or ten days after the storm of November, and saw where it was washed away.

Q. Well, to what extent had loam been delivered in this spot where the high tide might wash it away — how many yards, for instance?

A. Well, it was a — of, I should think the distance might have been a thousand feet, running feet, you know, from Q street over to the bridge that went over to Castle Island.

Q. That is the mass of loam you mean?

A. No, that would be the face of the beach along the water there, where we delivered the loam.

Q. Possibly I was wrong in putting it that way. I want to know this, how much loam, to the best of your calculation, was there left in a place where a high tide or storm might remove it?

A. How much loam had there been left there? Well, I should think it was a thousand feet, from Q street over to the bridge that went over to Castle Island, and I should think it was a hundred feet wide.

Q. I don't know a great deal about loam — can you tell me about how much loam could be put in that place (referring to the committee tables, etc.), if it were filled?

A. Ten feet long, three feet wide and deep, it would have ninety feet in it. It is an easy matter to figure out.

Q. It isn't for me.

A. It is simply a matter of calculation.

Q. I want you to calculate how much there was.

A. On the beach?

Q. At the time this loam was missing?

A. On the beach?

Q. Approximately now, Mr. Eichorn.

A. Well, I think there might have been deposited on that beach, running along there, in the neighborhood of four thousand yards — perhaps not over three thousand yards.

Q. Well, now, you have heard that a certain amount of loam disappeared from that place?

A. Yes, sir; I saw it.

Q. That has been accounted for by a rising of the tide, hasn't it? You have heard, haven't you, that there was a great deal of loam missing from that place at Marine Park, the disappearance of which was accounted for by the rising of the tide. Isn't that so?

A. I haven't heard that.

Q. Well, to your mind, certainly loam was washed away by the tide?

A. Yes, sir; I saw that.

Q. You saw it washed away?

A. I saw it after it had been washed away; yes, sir.

Q. And what impression did the tide make upon the bank of loam that remained?

A. Well, it evidently had swept right over the whole course, from Q street down to the foot of the bridge.

Q. And took away, perhaps, half the loam?

A. Well, I think it took more.

Q. You think it took more than half the loam?

A. I think so. It may not have.

Q. You saw the surface of the side of the bank of loam remaining, or the layer of loam remaining?

A. Saw the surface?

Q. Yes, the surface, — was it irregular where it had washed the loam away?

A. Was it irregular?

Q. Yes.

A. Oh, no, there were deep gullies cut through it.

Q. Where the tide had washed in?

A. Yes, sir; and run through.

Q. Who had charge of the laying of the loam at that place?

A. Mr. Weidener.

Q. Foreman at that time?

A. Yes, sir.

Q. Did you see Mr. Weidener at the time the loam was being dumped at this particular place?

A. Yes, sir. He gave us the marks on the bulkhead at Q street and the mark on the post of the bridge there, the engineer's mark.

Q. Then, all that was done there was done under his direction?

A. Yes, sir.

Q. You saw Mr. Weidener there a great many times during the day?

A. He was there every day.

Q. Have you seen Mr. Weidener drink while you were over there?

A. I never saw him drinking anything.

Q. Do you recall any instance of Mr. Weidener's giving flasks of liquor to anybody around there?

A. Never.

Q. Do you recall at any time when you gave a flask of liquor to anybody?

A. No, sir.

Q. Did you ever see your brother, Albert H. Eichorn, give a flask of liquor to anybody?

A. No, sir.

Q. Well, do you recall meeting Mr. Weidener on any mornings subsequent to evenings he had passed with your brother and yourself?

A. What is that?

Q. (The stenographer repeated the question.)

A. He never passed an evening with my brother and myself.

Q. Then neither you nor your brother, so far as you know, has ever gone off for a time of any description with Mr. Weidener?

A. No, sir.

Q. And you don't recall your brother Albert giving you certain flasks of liquor to give to anybody?

A. No, sir.

Q. Did you see any liquor in use while you were there on the ground at all?

A. No, sir.

Q. See any of the employés of the Park Department drunk while you were there?

A. No, sir.

Q. See any employés of your brother drunk?

A. No, sir. I wouldn't say but a teamster occasionally over there had liquor, but nobody else.

Q. You didn't see the tally man, Kelly, drunk at any time, did you?

A. No, sir.

Q. Never saw him drunk?

A. No, sir.

Q. And never saw Weidener drunk?

A. No, sir.

Q. And never have seen Weidener at a shanty at Marine Park when he was either ill or drunk?

A. No, sir.

Q. Or when, for some reason, he couldn't attend to his duties there?

A. No, sir.

(A conference took place at this point between counsel and committee.)

Q. (By the CHAIRMAN.) You will be here, Mr. Eichorn, at half-past seven this evening?

A. Yes, sir.

Q. And those loam books will be here?

A. Yes, sir.

The CHAIRMAN. — Mr. Matthews, the committee is desirous of proceeding with this investigation as rapidly as

possible. How much will we be put back by Mr. Pettigrew's being sick? Of course, we are very sorry that he is sick.

Mr. MATTHEWS. — I don't know. I have not seen him.

The CHAIRMAN. — I understand that an agreement has been made, according to the courtesy and custom existing between lawyers, that no witnesses can be put on affecting Mr. Pettigrew until he is present. Is that right?

Mr. LUNDY. — Yes.

The CHAIRMAN. — Well, wouldn't it be well for Mr. Pettigrew to send a doctor's certificate here? How much standing would it have if witnesses were put on right along, even although Mr. Pettigrew is not here?

Mr. MATTHEWS. — The difficulty, Mr. Chairman, is that I am wholly unfamiliar with matters concerning Mr. Pettigrew. I have had no private conversation with Mr. Pettigrew at all since I was retained, and, of course, that would put me at a disadvantage. I simply refer to the testimony affecting Mr. Pettigrew, that is all.

Mr. LUNDY. — Mr. Chairman, I would say, if I may break in, that I think a doctor's certificate is entirely unnecessary. My brother Matthews is more or less an authority, and I think what he says on that matter goes far enough. Of course, it is a rule of law that a man is not to be tried when he is not present. Of course, as I say, I have a great deal of testimony that affects Mr. Pettigrew, and I should not care to put it on, unless he is present.

The CHAIRMAN. — I was going to say, what effect would it have? Couldn't Mr. Pettigrew read it in the proceedings?

Mr. LUNDY. — But, beyond that, as Mr. Matthews has suggested, in order to properly conduct the defence for Mr. Pettigrew he should have Mr. Pettigrew here. Mr. Matthews would be handicapped if Mr. Pettigrew were not here. There would be certain information that Mr. Pettigrew would have, for instance, that he cannot possibly get without Mr. Pettigrew.

The CHAIRMAN. — Of course, there are witnesses who can be put on the stand while Mr. Pettigrew is not here?

Mr. LUNDY. — Well, I suppose brother Matthews would agree to this, that witnesses as to the waste of loam and the wanton destruction of trees might go on, and their testimony might go in on those points as affecting Mr. Pettigrew generally.

Mr. MATTHEWS. — Go right along with that; yes, sir. But I referred only to anything affecting Mr. Pettigrew personally.

A recess was taken at 3.53 P.M. to 7.30 P.M.

EVENING SESSION.

The hearing was resumed at 7.30 o'clock, P.M., Chairman NORRIS presiding.

The CHAIRMAN. — The committee will please come to order. The hearing will now be resumed, and counsel will proceed.

TESTIMONY OF ALBERT H. EICHORN.

Q. (By Mr. LUNDY.) Your full name, Mr. Eichorn?

A. Albert H. Eichorn.

Q. And you live where?

A. 550 Massachusetts avenue.

Q. And your business is that of contractor?

A. Yes, sir.

Q. And that business takes in general contracting?

A. Well, road building, and supplying gravel and material, etc.

Q. Now, Mr. Eichorn, you remember that you were engaged in supplying loam to the Park Department of the city of Boston during 1898?

A. Yes, sir.

Q. And that you delivered some 18,000 yards at Marine Park?

A. Yes, sir.

Q. Now, while you were supplying that loam at Marine Park, you had in your service your brother, I believe?

A. Yes, sir.

Q. That is, Eugene H. Eichorn?

A. Yes, sir.

Q. Did you have anybody else working for you?

A. My brother, Fred.

Q. Was he working at Marine Park?

A. At the same time? — yes, sir.

Q. Now, did you have any other employees at that time?

A. No, sir; I didn't.

The CHAIRMAN. — I would like to correct a statement here. The report of the Park Commission gives the amount of loam delivered at Marine Park as 19,300 cubic yards.

Mr. LUNDY. — Well, I shall use that in argument later.

Q. (By Mr. LUNDY.) But, as you understood it, you were to supply 18,000 cubic yards?

A. My contract called for 18,000 cubic yards.

Q. Now, how much of the time during the time that contract was in force, did you spend at Marine Park?

A. Well, after I was awarded the contract — I was the lowest bidder, of course — that was, I think, some time in May — when this contract was let out there, I was busy at other work at the time, and I didn't want to do much over in Marine Park until I could give it my own attention; so I let things go along kind of slowly until the 5th of July. From the 5th of July I was constantly on that job until it was completed — in six weeks it was completed.

Q. On what date was your first load delivered at Marine Park?

A. I can show you (examining books). Well, I can't tell you exactly the date.

Q. Well, just about.

A. Just about — I think it was along about the 12th of June.

Q. The 12th of June?

A. Yes, sir.

Q. And you personally took no active interest in the contract until about the 5th of July?

A. Yes, sir.

Q. And you say the reason for that was what?

A. I was working on other work that required my attention.

Q. But really the work of your firm — or, rather, your work — started in early in June?

A. On the 5th of July I put my personal attention over it.

Q. But, I mean, your contract for supplying loam started when?

A. Fairly early in June.

Q. Now, what would your loads average per day? How many loads per day?

A. Prior to the 5th of July?

Q. At any time after you started, until you completed your contract?

A. Let me see. I can tell you exactly what they amounted to (examining memoranda). On the 5th of July there were thirty loads delivered; on the 6th of July there were eighty-six loads —

Q. Pardon me, right there — you started to supply loads of loam at Marine Park before the 5th of July?

A. Yes, sir.

Q. Then, why do you start with the fifth of July to give me the account?

A. Well, I will start on the 1st of July.

Q. No; start before that. You started in June to supply loam. Why not start in June?

A. I can give you what I hauled in June.

Q. Well, that is what I want to get at. I want to begin at the beginning.

A. The reason I started with the 5th of July was because up to the 5th of July material was measured in bulk.

Q. What do you mean by that?

A. It was dumped in separate piles, and then measured there.

Q. After it had arrived on the ground?

A. After it had arrived on the ground.

Q. And who measured it then?

A. Mr. Weidener.

Q. The foreman of the Park Department?

A. Yes, sir; and after the 5th of July —

Q. You measured it yourself?

A. No, I never had a rule in my hand.

Q. I mean, your representative measured it?

A. After the fifth of July every load was measured as it went on the job, and checks were issued.

Q. Weren't the checks issued before that time?

A. No.

Q. Not before the 5th of July?

A. No; it was delivered in bulk, and one ticket issued for everything that was delivered up to the 5th of July.

Q. Can you give the reason for this exact system starting on the 5th of July? What made the change?

A. I wasn't over on the job much, and I didn't put in much loam there; and there was some misunderstanding about the way the material was to be measured, and I wouldn't go ahead until I had it definitely settled.

Q. I understand; but you are only one party to that contract. The Park Commission is the other party. Did you or the representatives of the Park Commission say how that loam should be measured?

A. The representative of the Park Commission said how it should be measured.

Q. Now, I ask you what caused this change in the system of measuring from June to July?

A. Well, we had no checks before that, and the job hadn't practically started until the 5th of July.

Q. But you say you started about the 1st of June?

A. I didn't say the first of June.

Q. Well the early part of June?

A. Yes, sir.

Q. Surely as early as the 10th of June?

A. I don't know the exact date, but I think not.

Q. Well, by the 15th?

A. Yes.

Q. Or at any rate, by the 20th of June?

A. Yes. Here (examining book) is how much loam was put in before the 5th — 21,265 cubic feet put in before the 5th of July.

Q. Have you the record which shows in just how large loads that was deposited there?

A. Well, the loads vary.

Q. Well, I mean how many loads?

A. Yes, sir.

Q. Now, tell us, beginning the first day you delivered loads until the 5th of July, how was that delivered?

The CHAIRMAN. — That was 21,000 and what?

The WITNESS. — 21,265 cubic feet.

Q. (By Mr. LUNDY.) 21,000?

A. 21,265 cubic feet. There were 204 loads delivered prior to the 5th of July?

Q. Yes, now to take it in bulk from the 5th of July until the time you stopped, how many loads were delivered?

A. From the 5th of July until the 30th of July there were 2,564 loads, and from the first of August until the 29th of August there were 1,057 loads.

Q. Then you averaged from that how many, -- from the 5th of July until you closed up your business, how many loads did you average per day?

A. On July 5 I put in 30 loads; on July 6 I put in 86 loads; on the 7th I put in 85 loads; on July 8 I put in 107 loads; on July 9 I put in 63 loads; on July 11 I put in 98 loads; on July 12 I put in 101 loads; on July 13 I put in 23 loads; on July 14 I put in 157 loads; on July 15 I put in 184 loads; on July 16 I put in 156 loads; on July 18 I put in 128 loads; on July 19 I put in 105 loads; on July 20 I put in 141 loads; on July 21 I put in 111 loads; on July 22 I put in 144 loads; on July 23 I put in 136 loads; on July 25 I put in 138 loads; on July 27 I put in 200 loads; on July 28 I put in 203 loads; on July 29 I put in 136 loads; on July 30 I put in 32 loads; on August 1 I put in 36 loads; on August 2 I put in 47 loads —

Q. That is enough, I think, to form an average. I don't want you to go through it to the latter part of August, day by day. Why did the loads vary from day to day?

A. Well, that depended upon the teamsters.

Q. Yes, I know; but the teamsters were under your direction, weren't they?

A. Not as to the amount of work they had to do. They got paid for what they delivered.

Q. That is, all you had to do with the loam was owing to the fact that you got some option over a certain loam pit — isn't that so?

A. No; I don't know as that is so.

Q. You didn't control the teamsters?

A. No.

Q. Well, what did you do in the matter of supplying loam?

A. I was the lowest bidder, and I got this contract. I was the lowest bidder by $1,800.

Q. Well, supposing you got the contract properly. I haven't raised that question at all. What did you do as to the delivering of the loam?

A. Before I bid on the contract, I went and saw where I could get my material. At that time I intended to take the material from North Weymouth, but after I got into the contract I found that other people were bidding on the job also, that they were going to bid on it, and I then looked around and found that I could get it from Squantum. I made an agreement with Mr. Titus at Squantum for the 18,000 yards, if I wanted it; and I bought 5,000 outright. It was my intention at the time to bring it entirely by lighter, but, as it happened, teamsters had nothing to do to any extent, and they were men who had worked for me before on different jobs, and they said they would try to draw it to see if they could make it pay. They went to work and worked hard, and made a small day's pay.

Q. How much below the regular rates did you get the teamsters?

A. Well, if they only hauled one yard they got paid for one yard. They had to work for so much a yard delivered on the job, and they had to take the park engineer's measurements.

Q. How many yards would they have to deliver before they got an ordinary day's pay for a teamster?

A. Well, they varied — some teams had on three yards, some less than three yards, and some had on more than three yards.

Q. But how many yards would constitute a day's pay for an ordinary teamster — one of those teamsters?

A. Well, he ought at least, to pay for his loam and everything, he ought to haul over seven yards.

Q. Well, thus far you haven't got anybody who hauled over three yards.

A. Yes — to the load, I said. They made two loads. Some teams hauled four yards to the load. One four-horse team hauled eight yards to the load.

Q. Who did your teaming?

A. (Examining book.) T. W. Manning, William Gill, J. F. Elkins, J. Donovan, Jeremiah McCarthy, James Hollerand, Mark H. Lynch, M. Meany, John McCarthy, Daniel Noonan, J. J. Sullivan, M. J. Kelley, Cavanagh, J. Hollarand, John F. Cummins, J. McCarthy, P. Conroy, J. J. Kelley, Maurice Buttimer, O'Brien, Timothy Lynch, T. E. Hudson, John J. Lyons, Richard Falvey, P. J. Sullivan, J. J. Kelley, P. F. Donovan, Robert Duncan, Charles Jacobs, Flannigan Bros., Martin Gill —

Q. About how many more?

A. Oh, I suppose there are 15 or 20 more.

Q. Who was this William J. Kelley that did teaming for you?

A. I couldn't say, only he is a teamster — and here is his receipt for what he teamed. (Pointing to receipts.)

Q. For whom did this William J. Kelley work?

A. I believe he worked for himself. I believe he is a contractor himself — had a few teams.

Q. Do you mean to say that you did business with 30 or 40 contractors upon this job?

A. Yes, sir.

Q. 30 or 40 teamsters?

A. Yes, sir.

Q. Do you know a man named Meany?

A. Mike Meany?

Q. Yes.

A. I know a man named Mike Meany, in South Boston.

Q. What does he do?

A. He has done lots of teaming for me. He did teaming on the subway.

Q. Did he do teaming at Marine Park?

A. Yes, sir; quite considerable.

Q. And his name is among those that you were about to mention?

A. Yes, sir; M. Meany.

Q. Do you know whether or not Mr. Meany ever cashed any checks for loam at the Park Department?

A. Cashed checks for loam at the Park Department! How could he?

Q. I don't know how he could — I simply ask you that question.

A. No; I don't know anything about it.

Q. Do you know whether or not it would be possible for him to cash any checks for loam at the Park Department?

A. No, I don't think it would.

Q. Do you know whether or not Mr. Meany ever supplied loam, or was supposed to supply loam, there at Marine Park?

A. Well, he supplied me with 1,175 yards.

Q. But, aside from you, do you know whether he ever supplied anything for the Park Department?

A. I don't know anything outside of what he worked for me.

Q. Now, take Mr. Meany, for instance; when he delivered say, five yards of loam, he received a receipt — from whom?

A. If Mr. Meany brought a load of loam for me to Marine Park, before it went into the park it was measured by the park people.

Q. Yes; and how did his receipt read?

A. It was made out in cubic feet and tenths of a cubic foot; and his load was taken and dumped where it was directed, and when his empty came out he received his ticket.

Q. From whom — Mr. Weidener?

A. Mr. Weidener or Mr. Abbott.

Q. Or Mr. Abbott or one of their boys?

A. I don't think the boys had anything to do with the checks.

Q. You don't know whether they did or not?

A. I don't think so.

Q. But you couldn't say positively that they never had?

A. I don't know.

Q. You weren't there constantly enough to know?

A. I was six weeks on the job, from the 6th of July until nearly its completion, as much as I could every day.

Q. You never saw anybody but Mr. Weidener and Mr. Abbott give a check?

A. Make out a check?

Q. Yes.

A. No; I never saw anybody but them.

Q. Now, when Mr. Meany gets his receipts for loam he has delivered, how does that receipt run?

A. He collects those receipts until the first of the month.

Q. Well, I know; but what is the form? Do they run to Meany?

A. No; they run payable to Albert H. Eichorn. That is the way the tickets were made out on that job. They couldn't collect a cent on those checks. They had to get that money from me.

Q. Were there any other contractors supplying loam at the time you were?

A. No, sir; not on that job.

Q. You had the entire job?

A. Yes, sir — that is, up to 18,000 yards. If they have done anything since I supplied the loam, I don't know.

Q. Well, I asked your brother this, and he didn't seem to know, and so I will ask you now. Do you remember at any time while you were supplying loam there that the Park Department failed to credit you with a certain amount of loam that you had actually delivered?

A. Failed to credit me?

Q. Yes.

A. No. I don't understand what you mean.

Q. Well, supposing you had delivered 10 yards of loam?

A. Yes, sir.

Q. And it appeared on Mr. Pettigrew's books that you had only delivered 5 yards of loam — you would be entitled to 5 yards of loam more than you had been credited with?

A. Yes.

Q. Now, take it on a larger scale. Do you remember raising the question that you had not been credited with 3,000 yards of loam that you had delivered?

A. (Laughing.) No, I don't.

Q. What is so laughable about that?

A. Well, the idea of 3,000 loads of loam that I hadn't delivered?

Q. The idea of the Park Department being 3,000 yards ahead of you — was that so funny?

A. I don't think the Park Department does business that way.

Q. No, I should rather suppose it would be the other way. Do you remember any difficulty being raised at all about the number of loads delivered?

A. No, I don't. The Park Department paid me in three instalments. The first was 12,000 yards. That is what I called for on the 1st of July — I mean the 1st of August.

Q. At a dollar a yard?

A. Yes, a dollar a yard. I had put in more loam than that. I think I had put in about almost 15,000 yards. When I had the job completed they paid me the remainder?

Q. Well, altogether you didn't get any more than you were entitled to?

A. I am 31 yards behind, according to my measurement.

Q. At the present time?

A. Yes, sir.

Q. Well, how far did you get in prosecuting that claim?

A. Well, I thought it was so small on as big a job as that that it wasn't worth while to go up and add all the frac-

tions. It was worth more to go and add up all the fractions than the $31 was worth.

Q. Yes, I should imagine that is so. Now, with whom did you deal directly in the Park Department in delivering the loam?

A. Over there at Marine Park?

Q. Well, who was the actual representative of the Park Department — whether it was Marine Park or anywhere else?

A. Mr. Weidener, I think, is the man who had everything in charge there.

Q. He was the foreman of the Park Department at South Boston?

A. So I understood it.

Q. Who else was there?

A. Then, there was a man there by the name of Abbott. He was under Mr. Weidener.

Q. And then there was Weidener's son?

A. Yes.

Q. And there was young Kelly?

A. Yes, sir.

Q. There is the quartette. Was there anybody else?

A. There were two or three men in where the teams were dumping, seeing that the material was dumped in a satisfactory place.

Q. But the four men who are of interest to us now are Weidener, Weidener's son, Kelly and Abbott?

A. Yes, sir.

Q. When did you first meet Mr. Weidener?

A. When did I first meet Mr. Weidener?

Q. Yes.

A. I guess the first time was the 5th of July, that I ever met him.

Q. That is, after you had been teaming material for some time?

A. Yes.

Q. And the first time you came upon the job yourself?

A. Yes, sir.

Q. Did you become at all familiar with Mr. Weidener?

A. No, sir; I didn't.

Q. Did you spend much time during the day there?

A. I got on the job at 7 o'clock in the morning, oftentimes, and was often there until 9 o'clock at night.

Q. Where were you?

A. Around on the grounds.

Q. Well, there is a shanty there, isn't there?

A. Yes; but we had so much to do outside.

Q. But there were times when you had nothing to do outside?

A. Yes, sometimes during the middle of the day.

Q. You remember this Kelly, don't you?

A. Yes.

Q. When did you see him last?

A. I saw him to-day the first time I see him since I came away.

Q. You saw him to-day?

A. I see him right over there now.

Q. And your brother saw him yesterday?

A. Yes, sir.

Q. And your brother told you all about his interview yesterday, didn't he?

A. He told me he had seen him.

Q. Why hesitate about that? He told you what was said?

A. I didn't take much notice of him.

Q. But your brother told you what he had to say to Kelly yesterday, didn't he?

A. What my brother had to say to Kelly yesterday?

Q. Yes; what your brother had to say to Kelly yesterday?

A. I don't remember.

Q. You don't remember whether or not your brother told you what he said to Kelly yesterday?

A. No.

Q. You don't?

A. No.

Q. Do you remember what your brother said Kelly said to him yesterday?

A. No.

Q. Your memory begins to be defective, doesn't it?

A. Yes.

Q. About young Kelly?

A. Not about him particularly.

Q. But you know that Kelly saw your brother yesterday?

A. Yes, sir.

Q. And you mean to say that you cannot remember what your brother told him yesterday?

A. Yes. I don't know as he told me.

Q. You knew Kelly pretty well?

A. I saw him for six weeks on the job.

Q. You knew him pretty well?

A. Well, fairly.

Q. Ever take him to lunch with you?

A. I believe I went to lunch with him once or twice, be cause he didn't have his dinner with him.

Q. That is the reason your brother assigns. How many times did you go to lunch with him?

A. I shouldn't say more than twice.

Q. Did your brother ask him to go to lunch, or you?

A. My two brothers went with me every day.

Q. And with whom did Kelly go to lunch?

A. Generally went by himself, or brought it with him.

Q. He didn't bring his lunch over to the restaurant?

A. Bring his lunch over to the restaurant?

Q. Yes?

A. No. He and the little Weidener boy used to have their lunch together out in the grounds.

Q. Oh, yes; but that is not what I am talking about. The times that I am asking you about are those when he went to the restaurant?

A. Yes; I think he went once or twice.

Q. Did you ever pay for his lunch?

A. Yes, I think I did. I always paid for the three lunches.

Q. Then, when your brother said that neither you nor he paid for this lunch, he was mistaken?

A. I think I paid for it myself.

Q. And you are quite sure that you paid some days for Kelly's lunch?

A. I am not positive.

Q. Do you remember whether or not Kelly ate at the same table with you?

A. He ate with me.

Q. Then, when he said he never ate at the same table with you, he is mistaken?

Mr. MATTHEWS. — Pardon me for interrupting, but I think you do not recollect his brother's, Mr. Eichorn's, testimony. He said that the Kelly boy didn't eat with him.

Mr. LUNDY. — I simply asked him whether if his brother said they didn't eat at the same table, his brother is mistaken. If his brother did, he is mistaken, one or the other.

The WITNESS. — I say that he ate with me the two times he was there.

Mr. LUNDY. — Well, I will withdraw that if my brother insists, but the stenographic report will show just what it is.

Q. Did the Kelly boy there eat at the same table with you?

A. I think so; yes. The two times that he came with me, he ate with me.

Q. You are not positive whether it was twice or three or four times?

A. Well, it wasn't more than three times, and I don't believe it was twice.

Q. It might have been ten?

A. No; it wasn't. I remember how many times I had him.

Q. How many times did you have him?

A. Not more than twice.

Q. You said three times?

A. Well, possibly it was.

Q. Do you remember whether anybody sat with you beside your brother and Kelly?

A. No, I think not. The restaurant was full — nobody in our party.

Q. Now, naturally, when at lunch with Mr. Kelly and your brother you indulged in some conversation?

A. Yes.

Q. Do you remember ever taking with him upon the subject of loam?

A. No; saw too much of it — was sick of it.

Q. Of loam?

A. Yes, — glad to talk of something else.

Q. Can you remember any other subjects that you discussed with Mr. Kelly?

A. I might have passed some remark about what we were eating — whether it was good stuff, or whether it was bad, or whether I was tired, or something like that (laughter).

Q. But it is quite possible you discussed the matter of loam?

A. No.

Q. Didn't you ever discuss the matter of the job?

A. No; I don't think so.

Q. Not even casually?

A. No; because I wouldn't talk in confidence with any man who had anything to do with the measuring.

Q. How do you know you didn't?

A. Because I make it a point not to.

Q. Why did you make it a point not to talk with the men who did the measuring?

A. That is my principle of doing work.

Q. Why shouldn't you talk about it?

A. I don't.

Q. Why do you make it a matter of principle not to?

A. I don't know why.

Q. But you didn't, as a matter of principle, talk about this?

A. Yes, sir.

Q. And you have no cause to assign for that principle?

A. No, sir.

Q. Did you know your brother had a bicycle?

A. Yes, sir.

Q. Well, did you ever hear that the Kelly boy had his bicycle?

A. Saw him bring it over to Marine Park.

Q. Well, you did know it before yesterday?

A. Oh, yes.

Q. And you did know before yesterday that your brother gave a bicycle to Kelly, did you?

A. No, I don't know that he ever gave it to Kelly.

Q. Now, you knew that Kelly got a bicycle from your brother?

A. I know he had an old bicycle out to his place, and that Kelly brought it over to Marine Park. It was in poor condition, and he had to have it fixed up, and I don't know whether he ever gave it to him or not.

Q. You know you are repeating the testimony that your brother gave here yesterday?

A. It may be. I presume it is about the same thing.

Q. Why do you go to the extent that your brother had a bicycle, and that it was in bad condition and had to be repaired?

A. Because that is the condition of affairs. That is what it was.

Q. Well, I ask you a simple question — did you know your brother gave a bicycle to Kelly?

A. Gave it to him?

Q. Yes.

A. No, I don't know that he gave it to him.

Q. Well, did you know that a bicycle passed from your brother to Kelly?

A. I couldn't say. I saw Kelly have the bicycle over there.

Q. Then, you don't know that your brother ever had a bicycle, or that Kelly ever had a bicycle that belonged to your brother at one time?

A. I couldn't say it was the same bicycle. I heard some talk about it at the time.

Q. Then, answer my question and say that you didn't know that your brother ever gave him a bicycle?

A. I cannot say. I don't know. I saw a bicycle over there.

Q. Well, but he might get a bicycle from a thousand different firms?

A. Well, I remember some talk, I believe, that it did belong to my brother.

Q. Well, now you understand, Mr. Eichorn, that I don't want any explanations proffered at all. I simply want your answer to my question; and the simple question which I asked you was: "Do you know your brother gave a bicycle to Kelly?" If you don't know that, just say so.

A. I think I heard of it after it happened.

Q. You know that I don't care to have you give the testimony your brother gave yesterday.

A. No.

Q. Did you know that your brother ever gave any money to Kelly?

A. No.

Q. Can you recollect yourself ever giving money to Kelly?

A. No. I can tell you I never did.

Q. Do you recall that Kelly ever asked you for any money?

A. No, I don't.

Q. Have you an account at Macullar & Parker's?

A. I haven't.

Q. Do you ever buy any clothes there?

A. Not to my recollection.

Q. Well, you would remember it, if you did?

A. I don't think I ever did.

Q. Did you ever make a proposition to him to the effect that you would get him a suit of clothes there?

A. No.

Q. Do you remember ever proposing to get him a suit of clothes anywhere?

A. No, I don't remember it.

Q. Have you ever seen Mr. Weidener take any liquor?

A. No, sir; I never did.

Q. Have you ever seen him when he was suffering from the effects of liquor?

A. No, he never did while I was on the job.

Q. Well, you don't know that he didn't?

A. Well, I saw him every day.

Q. You are not offering that as an expert?

A. I saw him every day, and he was attending to his business — jumping up and down on the carts, and measuring every cart that came in; so that he could not have been under the influence of liquor.

Q. Mr. Weidener didn't measure every bit of loam that came in?

A. I don't know whether he did or not, but he was all over the job.

Q. Didn't Mr. Abbott do some work there?

A. Yes.

Q. And the two men didn't measure one cart?

A. Well, you must remember that sometimes there were many carts coming in there.

Q. And consequently Mr. Weidener didn't measure every cart?

A. I don't say that he did measure every cart.

Q. Then the work was divided between Mr. Abbott and Mr. Weidener?

A. I believe so.

Q. Now, we will save time if you will answer these questions directly, Mr. Eichorn. As we understand it now, Mr. Weidener and Mr. Abbott divided this work?

A. Yes, sir.

Q. Now, I will ask you this question: Have you ever seen Mr. Abbott drunk?

A. No, sir; I haven't.

Q. Have you ever seen him under the influence of liquor at all?

A. No, sir; I have not.

Q. Have you ever supplied him with liquor?

A. No, sir; I haven't. I don't use liquor myself, and so it isn't likely that I should supply it to any of them.

Q. I asked you if you gave him any liquor?

A. No, sir.

Q. Then, if anybody said you had supplied liquor to any man upon those premises, that would be false?

A. Yes, sir.

Q. You have never seen anybody, from the superintendent down, in the employ of the Park Department, with liquor in their possession?

A. Yes, sir.

Q. Do you swear that?

A. Yes, sir.

Q. You don't recall taking Abbott off with you on a Saturday afternoon early?

A. I don't believe I ever spoke five minutes to the man while I was on the job.

Q. Do you remember whether or not your brother did?

A. No; I don't know anything about it.

Q. Have you in your possession any checks for loam that you have never cashed?

A. No, sir; I haven't. Every check that I ever received for loam —

Q. You have got your money for?

A. (Continuing) — has been returned to the Park Department, and they have a stub corresponding to the check they issued to me. If any checks were lost — and I don't think there were — they are not in my possession.

Q. Well, naturally not, if they were lost.

A. No; but if I had a check, I should turn it into the Park Department and get my money for it. I could get no money without the check.

Q. I understand that; but if you had 100 or 200 superfluous checks, it would be advisable to keep them at home, and not present them to the Park Commission?

A. No, because I could get the money for them.

Q. Not if they were surplus checks?

A. They don't give surplus checks.

Q. But if you had checks in a superfluity —

A. How could I get them?

Q. That is a matter that I propose to inquire into later. I presume I shall depend upon you for some information as to how you might get them. Supposing you had checks that wouldn't tally with the Park Department's books — those checks would be kept at home, wouldn't they?

A. I never had any checks of that kind.

Q. And you haven't any checks in your possession now?

A. No, not a check.

Q. And all you had at Marine Park was for delivering what your contract called for?

A. That is all, sir.

Q. 18,000 cubic yards?

A. 18,000 cubic yards.

Q. Do you remember giving this Kelly boy any money at the time to go to New York?

A. No, I never gave him a cent as long as he lived.

Q. And do you remember authorizing your brother to give him any money to go to New York?

A. I never authorized my brother to give him any money.

Q. Do you know any reason why your brother should advance him money to go to New York and stay away from Boston?

A. No, I don't.

Q. Do you know any reason why your brother should give a bicycle to this Kelly?

A. No, I don't — other than that the other boy had a bicycle, and he had this old one.

Q. But there are numerous boys in Boston who don't have bicycles, and he doesn't make a practice of giving bicycles to boys, does he?

A. I don't know of any reason.

Q. And you don't know of any reason why, if he loaned it to him, he shouldn't get it back?

A. No, I don't.

Q. Do you know of any reason why your brother should telegraph a fare from New York to Boston to this Kelley in New York?

A. No, sir, I don't.

Q. Do you remember your brother ever mentioning the fact to you that he did telegraph the fare?

A. He mentioned it at the time.

Q. At the time?

A. I believe so; yes, sir.

Q. He told you at the time, of course, that he supposed it was going to some commercial traveller named Kelly?

A. Yes, sir.

Q. Do you know the Kelly he refers to?

A. No; I don't.

Q. Never heard of him before that time?

A. Oh, yes.

Q. I thought you didn't know him?

A. I knew that there was a boy by that name, when he went to Boston College.

Q. That is, the commercial traveller?

A. Yes, sir.

Q. That is, you didn't know him at all?

A. No, sir.

Q. You just heard of a boy named Kelly who had gone to Boston College?

A. Yes, sir.

Q. Now, did you hear about Kelly calling upon your brother yesterday?

A. Yes, sir.

Q. Did your brother tell you he had offered Kelly $5?

A. He didn't.

Q. Did he tell you he didn't offer him $5?

A. He had no reason to offer him money.

Q. But did he tell you that he didn't offer him $5?

A. He said nothing about offering him money.

Q. That goes a little beyond my question, and I am much obliged for it. Did your brother tell you that I had asked

him here before this committee whether he had offered him $5?

A. Yes, he did.

Q. And, from that, you came here prepared to know that he didn't offer him $5?

A. No, I am not prepared to know it. He told me you asked him that question, and that he was very much surprised that you should ask him such a question.

Q. Now, if I may see this book, Mr. Eichorn. (Examining book.) What is this?

A. That is some notes in here as to who were hired to haul loam. I have them all; you see them right here. It is a kind of synopsis of the job at Marine Park.

Q. That is Marine Park, exclusively?

A. Yes, sir.

Q. I see here "A. H. Eichorn."

A. Yes, sir. That is what I delivered myself, and that was put in before the 5th of July. After that I delivered nothing myself.

Q. And here are the names of Manning, Gill and Donovan. Now, I have questioned you about Mr. Meany, haven't I?

A. Yes, sir.

Q. And you say it wouldn't be possible for him to hold any checks payable to him personally?

A. No, sir.

Q. If I don't make that clear, you know what I mean?

A. Every check was made payable to me, and had to go through my hands.

Q. Now, Mr. Eichorn, what other work have you done for the Park Department, to digress a moment, in the last three years?

A. I have worked at Charlestown Heights and on the work done at the North End Park.

Q. Now, take the North End Park — what did you do there?

A. I furnished loam there, cinders and filling.

Q. You furnished loam, filling and what else?

A. Cinders.

Q. Do you know for what purpose they used the filling there?

A. Yes, sir; to raise the grade of the ball ground.

Q. Did they use it properly as filling?

A. Yes, sir.

Q. And the cinders I presume they used as cinders?

A. Right on top of the filling, as surfacing.

Q. And the loam was used as loam?

A. In loam spaces; yes, sir.

Q. Everything was arranged there, so far as you could see, according to the ordinary custom?

A. Well, I had nothing to arrange. They had a regular plan there.

Q. Of course; but I simply ask you from your personal observation?

A. Yes, sir.

Q. The filling went as it should go?

A. Yes, sir.

Q. How much loam did you deliver there?

A. I am not prepared to tell you that.

Q. I only asked you approximately.

A. Well, I don't know approximately. I may have put in 1,000 yards, and I may have put in more or less.

Q. Did you bid for the contract?

A. Yes, sir.

Q. Were you the lowest bidder?

A. Yes, sir. The next bidder to me was $1.25, and I put it in for $1.

Q. Have you ever sold loam for less than $1 at any time?

A. Yes, sir.

Q. How much less?

A. 66⅔ cents.

Q. Have you ever sold it for less than that?

A. No, sir.

Q. How much were you selling filling for at the North End Park?

A. Forty cents a double load.

Q. What does that mean that you were selling loam for — $1 a single load?

A. A double load of filling is 1½ yards, — 40 feet.

Q. Then, you were selling 1½ yards of filling for 40 cents?

A. Yes, sir.

Q. And you were selling loam for a dollar a yard?

A. Yes, sir.

Q. So that if loam were used for filling, there would be a loss of over 60 cents?

A. Yes.

Q. There is no question about that?

A. If loam were used for filling?

Q. Yes?

A. Yes.

Q. No question about that?

A. Yes.

Q. Now, where did you buy that loam which you delivered at the North End Park?

A. I bought it from the Ten-hill Farm.

Q. Is that where you buy all your loam?

A. No.

Q. Is that where you buy the most of it?

A. Well, teamsters bring it from anywhere where they can get it. It happened to come from the Ten-hill Farm to the North End Park.

Q. And you have no idea how many thousand yards you delivered?

A. I could find out. I have got it in my book — every yard that was delivered there, every yard that was ever paid for.

Q. What have you in this book, Mr. Eichorn?

A. As I told you —

Q. General business?

A. General business and everything. As I told you, I am not prepared to answer questions on the North End Park. My summons said to be prepared for Marine Park.

Q. Well, what have you in that book beyond what you have already stated in regard to Marine Park?

A. Oh, work that I have done for private parties, and work done for the city of Boston and for the city of Cambridge.

Q. Now, do you recall at any time seeing this boy Kelly at your house?

A. Never at my house at all — never.

Q. He was never at your house?

A. Never.

Q. It would surprise you if this Kelly boy could describe your house?

A. Yes.

Q. If he could describe it from the inside?

A. Yes; it would, indeed.

Q. And it would surprise you some if the testimony were to go in that you had an interview with him there, and that certain money was paid to him?

A. Yes; it would.

Q. You have your office there?

A. Yes.

Q. You have your office and your house together?

A. Yes.

Q. There on Massachusetts avenue?

A. Yes.

Q. When did you see Mr. Abbott last?

A. I have never seen Mr. Abbott since we finished the job.

Q. And when did you last see Mr. Weidener?

A. I haven't seen Mr. Weidener since we finished the job — that is, about the first of last September.

Q. It seems to me a remarkable coincidence that you haven't done anything that your brother hasn't done.

Mr. MATTHEWS. — Well, it seems to me that is rather an uncalled-for remark. It isn't a question.

Mr. LUNDY. — It is an insinuation. It is not a question.

Mr. MATTHEWS. — I haven't objected to many things, but it seems to me we will proceed more rapidly if the counsel will be a little more direct.

The WITNESS. — If things happened that way, I am not to blame for it.

The CHAIRMAN. — The counsel will be a little more direct.

Mr. LUNDY. — Well, if you please, the counsel will endeavor to be direct. That was a plain insinuation, and I will try to make it plainer in my next question.

Q. When have you seen young Weidener last?

A. I saw young Weidener once, out at the Marine Park head-house — the Administration Building out to Jamaica pond, I mean. I happened accidentally to see him there, and I believe I saw him once or twice when I drove over to Marine Park last summer.

Q. What did he appear to be doing at the time?

A. I couldn't say what he was doing. I merely drove by. I think once I had a heavy striking hammer over there, and I went over to get it.

Q. And Kelly, you haven't seen since you stopped work at Marine Park?

A. I saw him at Neponset. I went up there to see if I could do some work, but at the prices they were paying I could not do the work there.

Q. Do you remember a man named Anthony Connolly being engaged on the work in South Boston?

A. I don't remember the name.

Q. When did you see Mr. Pettigrew last?

A. Oh, perhaps two or three weeks ago.

Q. And what was the occasion of your seeing him two or three weeks ago?

A. He wanted me to rectify some rumors that he had heard I had been spreading about.

Mr. LUNDY. — I hope this doesn't affect Mr. Pettigrew directly enough to be objected to.

Mr. MATTHEWS. — Oh, no; go right along.

Q. What rumors had he heard that he wanted you to rectify?

A. He had heard that I had boasted that I could deliver mud to the Park Department if I wanted to, and he wanted to know if I had done such a thing, and I told him I hadn't.

Q. Upon that subject you must have had quite an extended conversation with Mr. Pettigrew?

A. No conversation at all.

Q. Where did you hold this conversation?

Q. Out to his office at the Pine Banks. He wrote to me and asked me to come out. He wanted to know if it was so, and I said it wasn't.

Q. Now, let us take that a little mite in detail. You waited upon him at the Pine Banks?

A. Yes, sir.

Q. And he asked you if you had said that you could deliver mud for loam?

A. Yes.

Q. And you didn't have any very long conversation with him?

A. No.

Q. And you went away out there, just to tell him that?

A. He wrote for me to come out there.

Q. After you got to the Pine Bank, he asked you if you had circulated certain rumors?

A. Yes, sir.

Q. And the substance of those rumors was that you said that you had delivered mud to the city of Boston in lieu of loam?

A. Yes, sir.

Q. That is right, is it?

A. Yes, sir.

Q. And how did Mr. Pettigrew tell you he had received these rumors?

A. From a Commissioner. Commissioner Prendergast had mentioned it to Mr. Pettigrew.

Q. And Commissioner Prendergast in mentioning this rumor to Mr. Pettigrew had named you as the contractor who had delivered mud for loam? Is that so?

A. He said I boasted that I could do that.

Q. Well, Eichorn was the only contractor named to Prendergast?

A. Yes, I believe so.

Q. And what did you tell Mr. Pettigrew?

A. That I never said such a thing.

Q. Do you know whether or not he had ever looked at the loam?

A. He was over there nearly every day.

Q. And he examined all the loam?

A. He would go through the field and see how the work was going on.

Q. Then he ought to be reasonably sure that you had not delivered mud for loam?

A. He was positive sure.

Q. Then, what he asked you was whether you said you had delivered mud?

A. That is the idea.

Q. How long were you with him at that time?

A. Perhaps five minutes.

Q. You went all the way to the Pine Bank to see Mr. Pettigrew, and you were able to satisfy him of the falsity of this rumor in five minutes?

A. I didn't meet him on the road. I went out there and waited for him to come.

Q. And it didn't take more than five minutes?

A. No, sir.

Q. And you have n't seen him since?

A. No.

Q. As a matter of fact, something else was discussed beside that, was n't there?

A. No.

Q. You didn't ask about any Park Department investigation at all?

A. No. I said to him, "I see they are ripping me up in the paper there."

Q. Who had been ripping you up in the paper there?

A. I could n't say who it was.

Q. Well, in what paper?

A. Well, in the Post.

Q. What did he say?

A. He said that must be expected on public work. That is all he said.

Q. Now, to get down to that, do you recall about what date the Post ripped you up?

A. No, I don't.

Q. What was the substance of the article?

A. They claimed, I think, that I had n't delivered the proper amount of loam. I believe it claimed that I had delivered something like 1,600 yards, and had got paid for 18,000 yards.

Q. And you suppose you are the man that was referred to?

A. I suppose I am.

Q. And was this a plain article in the paper?

A. Yes, sir.

Q. About when would you say this was?

A. Oh, perhaps three weeks ago.

Q. Would you say that was as long ago as three weeks?

A. I should think so.

Q. What led up to the article?

A. How?

Q. What led up to the article? Was it an interview with anybody?

A. I don't understand.

Q. Well, did the article in the paper describe this information as coming from any person?

A. I believe Dr. Gerry—I believe it was signed something like that.

Q. Then you discussed with Mr. Pettigrew something that you saw in the newspaper as coming from Dr. Gerry, did you?

A. No, I didn't. I never mentioned him to Mr. Pettigrew. I merely made mention of that fact.

Q. And now you feel that that statement came from Dr. Gerry?

A. If I remember right, that was the way it was signed.

Q. And that was three weeks ago?

A. I should say so.

Q. And you remember that some statement in regard to the Park Department came from Dr. Gerry as long ago as three weeks?

A. I am not prepared to say it was three weeks; no.

Q. Hadn't you heard the rumor from any other source than a newspaper?

A. No, sir; never.

Q. That rumor had not been conveyed to you at all?

A. No, sir,—and I know positively that they got more loam than they paid for.

Q. Now, to come to that, I thought you were 31 yards behind?

A. I am 31 yards short.

Q. And, after the adjustment, you still claim they owe you for 31 yards?

A. I claim that they owe me for 31 yards. It may be that I am wrong in reckoning up the fractions of checks.

Q. But it is no less than 31 yards that the Park Department owes you?

A. Well, they claim they don't owe me anything. According to my records they do.

Q. According to your reckoning, they don't owe you any less than thirty-one yards?

A. Yes.

Q. And they may owe you for 200 yards?

A. No; they don't owe me more than thirty-one yards.

Q. And they are positive that they owe you nothing?

A. They are positive they don't owe me anything.

Q. And wasn't something said by Commissioner Prendergast to the effect that you owed them something in the way of loads of loam?

A. Not that I know of. I don't know as they ever did.

Q. Now, was there any other official of the department that you had anything to do with directly?

A. Not that I know of.

Q. In the way of delivering loam?

A. No, sir.

Q. Was there anybody connected with the Park Department that you ever had anything to say to in the last four weeks?

A. Anybody connected with the Park Department that I had anything to say to in the last four weeks?

Q. Yes.

A. I was out there to —— No, I don't think there was anybody.

Q. You were out where?

A. Out to the Pine Bank.

Q. When?

A. The time I was to see Mr. Pettigrew.

Q. Well, did you see anyone else at that time?

A. Yes, I think I did.

Q. Whom did you see?

A. Mr. Timson.

Q. And he is Mr. Pettigrew's clerk?

A. I believe he is; yes.

Q. You know he is?

A. Yes, I think he is.

Q. You know that he was the man who would have charge of delivering the loam, under Mr. Pettigrew?

A. I remember now that it wasn't the same time I saw Mr. Pettigrew.

Q. Well, you remember that he is Mr. Pettigrew's clerk, anyway.

A. Yes, sir.

Q. And he is the man who has charge of the check books for loam?

A. Yes.

Q. You know that, don't you?

A. I haven't anyway of knowing it.

Q. Well, do you know it isn't so?

A. No; I don't know it isn't so.

Q. And you have every reason to believe it is so?

A. It may be so — I think it is so.

Q. Well, you know that those are supposed to go through one man's hands?

A. No; I don't know anything about it.

Q. Well, now, to get at it in another way, you know they don't come from Mr. Stratton do they?

A. They may, for all I know.

Q. I know — they came from the central head? but the giving out of them came through Mr. Pettigrew? You know that now, don't you?

A. I don't think he issues the check books. I think the books are given to him from somebody.

Q. Well, I imagine they are printed by somebody?

A. Yes.

Q. But what I was trying to get from you is that they came from Mr. Pettigrew, as the head of the Park Department?

A. I haven't any idea where the books came from.

Q. Being an intelligent man, you had that much curiosity?

A. No.

Q. Now, you have known, as a matter of fact, that he issued those books?

A. I suppose he was giving them out, as the Superintendent of Parks.

Q. That is, as the working head of the department?

A. Yes.

Q. And you know that Mr. Timson actually has charge of the books?

A. I don't know whether that is the man's name or not.

Q. You know Mr. Timson?

A. I suppose he is the head book-keeper.

Q. Well, you know Mr. Timson?

A. I know he has a book-keeper.

Q. Well, the book-keepers name is Timson?

A. Well, then, his name is Timson.

Q. Well, I don't know about it. You have said so?

A. Well, I don't know.

Q. Well, what is the occupation of this Timson, or what is the business of this Timson, out there at the Pine Bank?

A. I suppose he is head book-keeper.

Q. Why do you suppose he is head book-keeper?

A. Because I see him working over books there.

Q. Well, there would be nothing about that to indicate that he was the head book-keeper?

A. No.

Q. Now, to state it honestly, you know he is the head book-keeper?

A. He being the oldest man, I supposed he was head book-keeper.

Q. That doesn't always follow.

A. No, it doesn't.

Q. And you know what his position is, exactly?

A. No.

Q. What talk did you have with Timson?

A. Asked him about a few loads that I had delivered to the Park, out near the Park called Canterbury.

Q. Was this on the day you went out to see Pettigrew?

A. No; this was before that.

Q. You have seen Timson since that, haven't you?

A. No.

Q. Haven't you said you had?

A. No.

Q. Whom have you seen since you saw Pettigrew?

A. Haven't anybody.

Q. You don't remember of ever seeing anybody connected with the Park Department?

A. No.

Q. When did you hear that an investigation was to be made?

A. When I saw it in the paper.

Q. And that was three weeks ago?

A. Something like that.

Q. And that is the article you attributed to Dr. Gerry?

A. Yes.

Q. You knew you were affected by that didn't you?

A. I don't know that I am affected by it now.

Q. Didn't you know that you were?

A. No, and I never can be.

Q. But you thought sufficiently of your connection with it to mention it to Mr. Pettigrew?

A. I knew that I delivered the Park Department 18,000 yards of loam, as was called for, and so I cannot be connected with it.

Q. You knew that you were sufficiently implicated in this investigation to speak of it to Mr. Pettigrew?

A. When I saw it in the paper, I supposed that I was the party that was referred to.

Q. You knew that you were the party?

A. I can't say. They didn't mention my name.

Q. But it was sufficiently clear to indicate to you that you were the man?

A. I took it be so; yes.

Q. And that appeared in the public press over four weeks ago, and in spite of that, and of what have you seen in the public press since then, you haven't communicated with anybody connected with the Park Department?

A. No, sir; took no interest in it — took no interest in it at all.

Q. You took interest enough in it to discuss it with Mr. Pettigrew?

A. I mentioned it, because I happened to be out there.

Q. Because he sent for you?

A. Yes, and because I was there; but otherwise I took no interest in it at all.

Q. (By the CHAIRMAN.) I would like to ask you some questions. You say you delivered 21,265 cubic yards of loam at Marine Park?

A. No, sir; I don't.

Q. Where did I get that figure? How did it come to me? I got that figure from somebody.

A. I said 21,265 cubic feet.

Q. You say you delivered 18,000 yards of loam?

A. Yes, sir.

Q. How many acres of ground are there to that?

A. Seven and a half acres, I believe.

Q. You mean that spot there around the Farragut statue?

A. I mean the spot they call the Natural History Pools. If the ground is measured according to the whole surface, there is about nine acres in it, including the ponds.

Q. There is about seven acres of ground?

A. Seven and a half acres of ground, I believe.

Q. How deep did you put that loam?

A. Well, some places it is two or three feet; other places it is not more than fifteen inches; and in some places not more than twelve inches.

Q. Would you say that it is, on an average, over a foot deep there?

A. Oh, yes, sir. It is more — in many places it is three feet.

Q. But what would you average it over the seven acres?

A. It must be over eighteen inches.

Q. It would average eighteen inches over the whole seven acres?

A. Yes — more; surely average eighteen inches.

Q. And how much ground would that 18,000 yards of loam cover, placed eighteen inches deep?

A. I guess about about seven and a half acres? (Laughter.)

Q. Are you accurate on that?

A. I think so.

Q. Did you ever hear anything about any loam being washed away?

A. In that November storm, I remember that a great deal was washed away, that I put in there.

Q. Mr. Eichorn, do you include the walks around there, and everything, in the seven acres?

A. Well, yes; it includes everything. We loamed everything over, and the walks were excavated afterwards.

Q. The walks were put over the loam that you put in there?

A. No; I believe the walks were excavated afterwards.

The CHAIRMAN. — Seven and a half acres of ground, eighteen inches deep — that is all.

Q. (By Alderman GERRY.) I would like to ask the gentleman how it was that you connected my name with the loam?

A. Only that I saw it in the paper.

Q. Did you see in the paper that I made any point of loam in this matter?

A. Well, the heading read something about an inquiry into the Park Department about loam from Marine Park. I may have the wrong party's name. I didn't take much notice of it. It may be some other party.

Q. You certainly did, because I knew nothing about Marine Park, and didn't mention it that I know of. It was one of the other aldermen who spoke about that. I had nothing to do with Marine Park. I have all I can do with Jamaica Park, and around there?

A. I probably got the wrong party's name.

Q. Yes, you did, in that matter.

A. Well, I beg your pardon.

Q. Do you know anything about the planting of trees, and about how much of depth of loam there is usually under a tree or shrub, or anything of that kind?

A. Well, I think for a large tree it ought to have about four feet of loam.

Q. Do you know how much nature provides for a tree?

A. Yes; about eighteen inches.

Q. About eighteen inches?

A. Yes.

Q. And man provides four feet?

A. Well, in many places you will find four and five feet.

Q. Where?

A. Oh, on hillsides, where the silt is. I can take you out to my place in Brookline, where you will find five feet of loam.

Q. (By Mr. MATTHEWS.) You mean artificial or natural?

A. Artificial — silt.

Q. Face of the hill?

A. Yes, sir.

Q. (By Alderman GERRY.) I never supposed that loam ran so deep as that?

A. Well, the land is still there, and can be seen — silt running down the side of the hill.

Q. How much depth of loam is necessary for grass?

A. Well, the grass fields will average about eighteen inches?

Q. And over here at this Marine Park — were they planting a nursery there?

A. They have shrubs.

Q. And all over this space at Marine Park they have eighteen inches?

A. I believe it was the idea to plant shrubs and trees, and everything like that. I had nothing to do with tree-planting, or anything of that kind.

Q. Yes, I only wanted to get your idea of the proper amount of loam?

A. Certainly, where there is more loam the tree has more chance of living.

Q. Yes; but trees live pretty well on eight and six inches?

A. No, I don't think on six inches of loam. It would be pretty hard to raise grass on six inches.

Q. Well, grass does grow on six inches, or even less?

A. It would be pretty hard to raise grass on six inches.

Q. How little loam would a tree grow in?

A. Well, some trees will grow right on rocks.

Q. Grow well, won't they, and stay there for years, on a very little loam, if necessary?

A. Well, I guess when trees are transplanted, they require loam. A tree might grow from seed on a very little loam, but if you are going to transplant it you have got to give it plenty of loam; otherwise it cannot grow.

Alderman GERRY. — Well, I know nothing about Marine Park loam — that is all.

Cross-Examination.

Q. (By Mr. MATTHEWS.) Just one or two questions. Did you ever deliver loam at the Arboretum?

A. At the Arboretum?

Q. Yes?

A. No, sir.

Q. Did you ever notice how deep they placed the loam for the trees there?

A. No, sir; I didn't. I have never done any work in the Arboretum.

Q. Your attention has never been directed to the fact that when the larger trees are set out they used loam two or three feet deep?

A. I noticed they always made an excavation four, and sometimes five and six feet deep.

Q. Well, the depth of loam necessary depends very much on the kind of tree, doesn't it?

A. Yes.

Q. In transplanting oaks, for instance?

A. Oh, you would want five or six feet of loam.

Q. And the deeper the loam, the better it is for the oak tree?

A. Sure.

Q. As far as your experience goes, it is a matter of expense?

A. Well, the chances are that if you use a great deal of loam, you will get a very fine tree from it; and if you give it nothing to live on, why, you cannot expect it to do very well.

Q. Now, will you tell me where this loam that you supplied to Marine Park came from?

A. Yes, sir; 6,500 yards came from Squantum —

Q. Well, before you pass from Squantum, state in what part of Squantum you got the loam from?

A. Well, it is right near the Squantum House. It is a beautiful, large farm. The farm belonged to a man by the name of Titus. He was going to cut it up into house lots, and I had an exceptionally good opportunity to get the top of the loam — the best loam — that which was on the top. I specified that I was not to take it more than twelve inches deep anywhere. I stipulated that so as not to get any subsoil in it.

Q. How much did you get there?

A. I took 6,500 yards.

Q. Did you take it from the whole face of the hill?

A. No, sir; where they had laid out streets. I have a plan of the streets right here.

Q. Is the rest of the field in the same condition now that it was in then?

A. Yes, sir.

Q. I would like to have you show that plan to me.

(The witness produced the plan, which was marked Exhibit "A.")

Q. Now, upon this plan, which is entitled "Plan of Lands of Squantum Park, owned by L. B. Titus, 1898," I wish you would show the committee just from which streets, as shown on that plan, you took loam?

A. I excavated Titus road, Beale road, Trevore street and Pratt road. I excavated this street here (pointing) and I excavated that street there (pointing).

Q. Just mention the names of the two last streets?

A. Standish street and Mayflower street, and Park avenue up to there (pointing).

Q. Now, I understand originally that was all a farm?

A. It was a beautiful farm.

Q. All one large field?

A. Yes, sir.

Q. And all the spaces you excavated are in that condition now?

A. Yes, sir.

Q. So that if any member of this committee wants to satisfy himself whether there is good loam there, he can go out and see it to-day?

A. They can go right out and see where I left off excavating.

Q. (By the CHAIRMAN.) Well, Mr. Eichorn, how did you measure this place down there at Marine Park? How did you figure seven and a half acres?

A. I got it from the engineer, and I scaled it off on a plan.

Q. Does that take in the beach?

A. No, just the loam spaces that were to be covered out, up to the road, or foot path.

Q. And you mean to say that there were eighteen and twenty inches of loam between the trees?

A. Oh, yes, sir.

Q. On an average, all over the seven and a half acres, there were eighteen inches of loam?

A. Well, I don't say it was all over it. There was four feet in some places.

Q. Well, on the average, eighteen inches all over the seven and a half acres of land?

A. I should think so; yes, sir.

The CHAIRMAN. — I simply want to get that direct, so as to have it stand.

Q. (By Mr. MATTHEWS.) That place that you covered with loam in Marine Park had no loam upon it?

A. None, sir.

Q. It was gravel filling?

A. It was mud that had been pumped out of the harbor, I should think.

Q. There was no loam in it?

A. There was no loam on it.

Q. Mud and gravel?

A. Mud and gravel; yes, sir.

Q. Where else did you get loam to deliver at Marine Park, besides Squantum?

A. It came from the Ten Hill Farm.

Q. Where is that?

A. In Somerville.

Q. Will you describe to the committee what sort of a place that is?

A. That is a beautiful large farm, and, if anything, the loam is better than what came from Squantum.

Q. What part of the farm did you take the loam from?

A. Very near the top of it.

Q. Spread over the entire field?

A. Yes. The hill had to come down. There was no object in keeping the loam.

Q. Has the hill been cut down since?

A. Not that I know of.

Q. If anyone went out there, they could see the same nature of material there that you took away?

A. Yes, sir.

Q. They could see the loam, as it now exists, on the edges of excavations made?

A. Yes, sir.

Q. And what quality of loam was that?

A. It was about as good loam as you could get.

Q. How much did you get from there?

A. I can't say exactly how much came from there. A good deal of it came from Dorchester way, and I cannot say how much came from there. These teams got it themselves and brought it in.

Q. You got some of the loads from Squantum, and some from this other place, and some from Dorchester?

A. Yes, sir.

Q. (By the CHAIRMAN.) Did you have any scow loads of loam rejected by the Park people?

A. Yes, sir.

Q. What was that rejected for?

A. Well, Weidener thought the material was not quite up to the standard, although it was good loam — although it

was good loam, it was not as good as he wanted, and he sent it back.

Q. How many scow loads was rejected?

A. Only one, that I know of.

Q. You say that at one time the high tide washed some of the loam away from there. Was that owing to storm?

A. It was the November storm, I believe.

Q. You know that place is all landlocked?

A. Yes, sir.

Q. A storm wouldn't have much effect upon it?

A. As I heard it, the storm swept clear over the road.

Q. It would have to first sweep over Castle Island.

A. No, this is only a few feet above mean high tide.

Q. (By Mr. MATTHEWS.) That storm which you speak of was the great November storm of 1898?

A. Yes, sir.

Q. It took down a number of hotels?

A. Yes, sir.

Q. (By the CHAIRMAN.) This point has running out from it two piers connecting Castle Island with South Boston proper?

A. Yes, sir.

Q. It is pretty nearly landlocked?

A. Yes, sir.

Q. And it is pretty calm, no matter how large the storm is?

A. Well, I believe the storm broke the harbor line embankment there. I haven't been over there. After I got through with the job, I haven't been over there much of any. I don't know how much damage the storm did, or how little.

Q. Would you say how much of that loam was washed away, in your opinion?

A. I wasn't there during the storm.

Q. Well, how much of it do you think was washed away?

A. I couldn't say.

Q. (By Mr. LUNDY.) Do you remember what you paid for the loam?

A. Yes, sir.

Q. What did you pay.

A. I paid various prices.

Q. (By Mr. MATTHEWS) When did you get through with that job?

A. About the first of September.

Q. And the storm was the latter part of November?

A. Yes, sir.

Q. Did you get any loam from any place other than the three places mentioned?

A. Well, the teamsters may have got some loam other places, but I don't think they got a great deal.

Q. Where was the Dorchester place?

A. I believe they call it Cadigan's Hill.

Q. Where is that?

A. Out near Train street and Adams street, Dorchester. A good deal of it came from back of the Mission Church, in Roxbury.

Q. That is, it came from various places, besides the large lots taken from those places you have mentioned?

A. Yes, sir. That which came from back of the Mission Church was very good loam, too. I went up to see it.

Q. The Chairman called attention to the fact that more than 18,000 cubic yards of loam had been delivered at Marine Park. He called attention to the fact that 19,000 and some odd yards had been delivered.

The CHAIRMAN. — Well, that is what the Park Commission report says 19,300 cubic yards delivered at Marine Park.

Mr. MATTHEWS. — What report is that?

The CHAIRMAN. — 1898.

Mr. MATTHEWS. — Is that all set against Eichorn's name?

The CHAIRMAN. — Mr. Eichborn's name is not mentioned. It simply says that amount of loam was delivered. In the part of the report which relates to Marine Park, among other things, is an item of loam — 19,300 cubic yards.

Mr. MATTHEWS. — Will you show that to me?

The CHAIRMAN. — Yes, sir. (Handing the report to Mr. Matthews.) I have another one here. You can keep that, Mr. Matthews.

Q. (By Mr. MATTHEWS.) Well, you didn't deliver the whole of that 19,300 cubic yards?

A. All I delivered was 18,000 yards. The contractors over in South Boston, I believe, used to deliver loam sometimes over to Mr. Weidener, when they excavated, and I believe he got it at reduced prices, but that wasn't in my contract. All I delivered was the 18,000 cubic yards.

Q. Then there was some loam delivered that wasn't delivered by you?

A. Oh, yes, sir; quite considerable.

Mr. MATTHEWS. — Well, I think that is all.

Re-direct Examination.

Q. (By Mr. LUNDY.) How did you know, Mr. Eichorn, that Mr. Weidener was getting this loam at reduced prices from some people in South Boston?

A. He told me he was.

Q. He told you so?

A. Yes, sir.

Q. And this is the same Mr. Weidener with whom you were not familiar. Isn't it strange that he should tell you a thing like that?

A. Well, he told me. He says, "You are getting one dollar a yard, and," he said, "I can get a few loads now and then at reduced prices."

Q. Did he tell you he was getting loam at reduced prices at that time?

A. No.

Q. He didn't tell you he was getting it at that time?

A. No.

Q. Then, you didn't understand that he was getting it during that season?

A. Well, they had taken loam before I had delivered there that season.

Q. But you started to deliver the first part of June?

A. I delivered a little in June; yes, sir.

Q. Have you any receipts for the purchase price of the loam?

A. Yes, sir.

Q. From the Ten Hill farm?

A. No, sir.

Q. Have you got them from Squantum?

A. Yes, sir.

Q. Why didn't you get them from Somerville?

A. I didn't buy the loam there.

Q. Who bought it?

A. The teamsters.

Q. Then, you couldn't guarantee the quality of it?

A. I could see it on the load.

Q. In the mass?

A. Well, that is sufficient.

Q. You can't tell whether you have good or bad loam from looking at the surface?

A. I can tell pretty near.

Q. Well, it might be almost anything under the surface, might it not?

A. No; for when the load was dumped it would tell.

Q. It shifts apart when it is dumped?

A. Yes, sir; separates right out.

Q. Then, the stuff you got at Ten Hill farm, was got by the teamsters?

A. Yes, sir; that is the idea.

Q. You paid them a certain amount for hauling the loam and for the loam itself, in bulk?

A. I paid them so much, delivered on the job.

Q. It didn't make any difference where they got the loam?

A. No; but it had to pass muster. If they brought poor stuff they knew it would be rejected. They wouldn't bring poor stuff if they carted it ten miles.

Q. (By the CHAIRMAN.) Let me ask you just one more question. Can you produce the receipts you paid out to the contractors?

A. Yes, sir; every receipt.

Q. For the 18,000 yards of loam?

A. For the 18,000 yards of loam? — yes, sir.

Q. I think it is the opinion of the committee that they would like to get those?

A. Well, here they are sir. (Pointing to a bundle of receipts.)

Q. Will you leave them with the Committee?

A. Yes, sir; if they will be responsible for them. They represent $18,000 to me, and if they are lost I do not want to pay them over again, because it will break me.

The CHAIRMAN. — I will ask the opinion of Counsel as to that.

Mr. MATTHEWS. — I think, Mr. Chairman, that if the Chair will guarantee the safe keeping of the receipts, the witness will not hesitate to leave them.

The CHAIRMAN. — Well, if they were left in my absolute charge, I might be willing to do that, but I don't like to assume that responsibility.

Mr. LUNDY. — You might leave them in my charge, I suppose.

The CHAIRMAN. — You might leave them in the hands of the Clerk of the Committee.

The CLERK. — I haven't any safe place to keep them.

The WITNESS. — I want to be sure that I get them back, because I don't want to pay them over again.

The CHAIRMAN. — Well, if you will leave them here until we go into executive session and decide whether we want them or not, that will be satisfactory. We can decide whether we want them or not, and, if not, can give them back to you.

Q. (By Mr. MATTHEWS.) You brought all the books and papers you have in regard to your job you had at Marine Park?

A. Yes, sir.

Q. Everything?

A. Yes, sir.

Q. And you have all the receipts from the teamsters for this loam?

A. There is one party didn't give me a receipt, but I have the check.

Q. That is, you have your own check?

A. Yes; but I haven't that with me. The check went back to the bank. That is a sufficient receipt, I thought.

Q. Have you your contract with you?

A. No, sir; I haven't. That contract is in City Hall.

Q. But you brought all the books and papers you have in your possession relating to this job?

A. Yes, sir.

Q. And they show the payments made by you to the contractors and teamsters?

A. Yes, sir.

Q. And all the moneys received by you from the City of Boston?

A. Yes, sir.

Q. And you are willing to produce all those books and papers to the inspection of this committee?

A. Yes, sir.

Q. Under reasonable conditions?

A. Yes, sir.

Mr. MATTHEWS. — I do not want to see those, but if the Committee does, I find the witness has no objection.

The CHAIRMAN. — I think the Committee would like to see them if there was any way of guaranteeing the safe keeping of them. Of course I have no safety deposit vault to put them in.

Mr. LUNDY. — I suppose the Committee are going to sit until half past ten?

The CHAIRMAN. — Well, we were figuring on ten o'clock.

Mr. LUNDY. — Well I was going to suggest a recess of five or ten minutes, to give me a chance to look over those. I think that perhaps I could find all I wanted in that time.

The CHAIRMAN. — Is that agreeable to the counsel on the other side?

Mr. MATTHEWS. — Certainly.

The CHAIRMAN. — Well, we will give you five minutes to examine them.

Mr. LUNDY. — That is a little limiting, Mr. Chairman, to examine receipts for $18,000.

The CHAIRMAN. — Well, we will give you a little leeway, if necessary. The Committee will now take a recess of about five minutes, to allow the counsel to determine whether we want the bills or not.

The Committee took a recess at 9.04 P.M.

After recess, the committee was called to order at 9.14 P.M.

The CHAIRMAN. — The committee will come to order. Counsel may proceed.

Q. (By Mr. LUNDY.) Now, if I may see those checks a moment (examining checks) — now, as I understand it, Mr. Eichorn, I have here bills representing $1,800?

A. $18,000.

Q. $18,000?

A. Yes, excepting one check that the man did not send me the receipt, and I haven't got that check there.

Q. And these bills come from different contractors?

A. Yes, sir.

Q. Now, do you know of any bill in this lot here that would be in your handwriting?

A. A good many of the bills are made out which are not n my handwriting.

Q. I understand, but are there any bills made out by any of the contractors here in your handwriting?

A. No, not one.

Q. Well, are you prepared to swear — taking, for instance, the bill of Martin Gill & Son?

A. Yes.

Q. Are you prepared to swear that that bill, in its present condition, is in the same condition it was when it came from Martin Gill?

A. Yes, sir.

Q. That it came from Martin Gill in that way?

A. Yes, sir.

Q. Then, you never have made out a bill for Martin Gill?

A. No.

Q. Will you say as much as that for every bill in this pile?

A. Yes, sir.

Q. Are you prepared to say that Weidener's son didn't make out any of these bills?

A. Yes, sir.

Q. Are you prepared to say that any of them were not made out by young Kelly?

A. Yes, sir.

Mr. KELLY. — I rise to a point of information. (Laughter.)

The CHAIRMAN. — Gentlemen will preserve order.

Q. (By Mr. LUNDY.) You are prepared to say that young Kelly did not make out any of these bills?

A. Certainly he never made out any of these bills.

Mr. LUNDY. — I will suspend with Mr. Eichorn for a few moments, and keep his bills for a minute. Do you care to ask any questions now, Mr. Matthews?

Mr. MATTHEWS. — No.

The CHAIRMAN. — Does any member of the committee care to ask Mr. Eichorn any questions?

Mr. MATTHEWS. — He doesn't want to go until he gets his bills.

Mr. LUNDY. — Well, I will just take a few moments. I simply want to ask Mr. Kelly about a few things, and I am going to suspend with Mr. Eichorn.

The CHAIRMAN. — Do you want to put Mr. Kelly on for a witness?

Mr. LUNDY. — I do now, yes.

The CHAIRMAN. — That is all for the present, Mr. Eichorn.

TESTIMONY OF WILLIAM P. KELLY.

Q. (By Mr. LUNDY.) What is your full name, Mr. Kelly?

A. My full name is William P. Kelly.

Q. Where do you live?

A. 20 Dacia street, Roxbury, Mass.

Q. Now, whether or not in June of 1898 you were employed in the Park Department?

A. Yes, sir.

Q. And whether or not you know Eugene H. Eichorn?

A. Yes, sir.

Q. Do you know Albert H. Eichorn?

A. Yes, sir.

Q. And you have seen Albert H. Eichorn, who was just now on the stand?

A. Yes, sir.

Q. In what capacity were you working at Marine Park during June and July of 1898?

A. I was hired as a water boy, in the first place — afterwards sent to Marine Park as a tally clerk, and then put under the orders of Mr. James B. Shea, as clerk.

Q. Now, I am going to ask you to-night about your experience at Marine Park?

A. Yes, sir.

Q. As far as you were connected there with Mr. Eichorn?

A. Yes, sir.

Q. Just answer these questions. Did you serve as a tally boy while Mr. Eichorn was delivering loam at Marine Park?

A. From July 5th.

Q. What were you doing prior to that time?
A. I was working at Franklin Park.
Q. You started in at Franklin Park, then, on July 5th?
A. Yes, sir.
Q. Now, when did you first meet Mr. Albert H. Eichorn?
A. On July 5th.
Q. And when did you meet Mr. Eugene H. Eichorn?
A. On July 5th.
Q. The same day?
A. Yes, sir.
Q. Is that the first day you met young Weidener?
A. Yes, sir.
Q. And at that time did you meet the elder Weidener, the foreman there?
A. Yes, sir.
Q. Now when did you have your first extended conversation with Mr. Eichorn, either of them?
A. On July 5th.
Q. Well, I mean, what was the extent of your talk on July 5th?
A. Well, they said they were glad I was there, and that, on account of so much loam coming in, they would need more help.
Q. Well, whether or not after that you had any talk with Mr. Eichorn upon the question of the supply of loam?
A. I had talk, yes, sir, with Mr. Eugene H. Eichorn in particular.
Q. Now, I will ask you this, did Mr. Albert Eichorn ever take you to lunch with him?
A. Yes, sir.
Q. How often?
A. Every day for six weeks.
Q. Albert or Eugene?
A. The three of them — Albert H. Eichorn, Eugene H. Eichorn and Frederick Eichorn.
Q. And you four would go to lunch together each day?
A. Yes, sir; and eat at the same table.
Q. At what restaurant did you dine?
A. Right across from the old car stable — runs parallel with the street the Marine Park is on.
Q. At what hour were you accustomed to go to luncheon with them?
A. Between 12 and 1.
Q. And at whose invitation would you go to lunch?
A. Well, one day at Mr. Albert H. Eichorn's request, another day at Mr. Eugene H. Eichorn's request, and another day at Mr. Frederick H. Eichorn's request.

Q. But the party was made up usually of the three Eichorns and yourself?

A. Yes, sir.

Q. Do you recall any time when anybody else was with you?

A. No, sir.

Q. Nobody but the Eichorns?

A. Nobody but the Eichorns. They wouldn't let anybody else go (laughter).

Q. Now, did Mr. Weidener measure the loads of loam as they came in?

A. No, sir; Mr. Weidener didn't measure one-third of the loam that came in.

Q. Well, whether or not, as you understood it, Mr. Weidener was responsible for the measurement of those loads as they came in?

A. No, sir; Mr. Weidener was not responsible for the measurement of those loads as they came in, for the simple reason that Mr. John J. Abbott's name was signed to the bottom of the coupon.

Q. Well, Mr. Weidener was foreman there?

A. He was foreman, Mr. Lundy.

Q. Just answer the questions — Mr. Weidener was foreman, as you understood it?

A. Yes, sir.

Q. And what did you understand Mr. Abbott's business to be?

A. He was hired as a laborer in the first place — afterwards was put on to measure the loam.

Q. Well, all that took place while you were there?

A. Yes, sir.

Q. Well, Mr. Abbott finally became a measurer of loam?

A. Yes, sir.

Q. Now, how much of the loam did Mr. Abbott measure?

A. I should judge that he measured two-thirds of the amount that went in.

Q. Well, as far as you know, did Mr. Abbott measure all the loads of loam that he was supposed to measure?

A. Not exactly, because during the hours that Mr. Abbott went to dinner I had to take the responsibility and measure the loam, because there was nobody there to measure it.

Q. Well, at what hours did Mr. Abbott usually go to dinner?

A. Mr. Abbott used to go to dinner between 11 and 12.

Q. And you between 12 and 1?

A. Yes, sir.

Q. You and your friends, the Eichorns?

A. Yes, sir; and we had a hearty dinner.

Q. Well, where would Mr. Weidener be, as a usual thing, when Mr. Abbott was out to lunch?

A. Mr. Abbott went between 11 and 12, and Mr. Eichorn or Mr. Weidener would go to dinner between the hours of 12 and 1. Mr. Weidener would be down at the head-house between the hours of 11 and 12.

Q. What would he be doing at the head-house?

A. Claimed to be looking after the head-house, to see that everything went on all right.

Q. The head-house is where Mr. Bow is?

A. Yes, sir.

Q. In the restaurant business?

A. I don't mean that he had charge of the restaurant, but I mean the bottom, where they had the basement — that is, in regard to the water-closets, and there is some stuff kept there.

Q. Now, was Mr. Weidener usually absent when Mr. Abbott was away?

A. Yes, sir, partly — partly all the time.

Q. You measured teams yourself, did you?

A. Yes, sir.

Q. Did you use a regular measure?

A. Yes, sir.

Q. For measuring?

A. Yes, sir.

Q. And you understand fully just how many feet went to a team — just how many yards?

A. Yes, sir. I didn't understand until the teams came in, until I measured them, what their contents were.

Q. Weren't you instructed as to what constituted a load and what did not?

A. Never was instructed, but I picked it up myself.

Q. And how long did it take you to pick it up?

A. Well, I worked for Mr. Jeffery, at Franklin Park. Mr. Jeffery at noontime, after I got through dinner, used to help me with cubic measure, because I asked him to do so.

Q. Then you understood, to a certain extent, cubic measure when you went to Marine Park?

A. Yes, sir.

Q. Now, who put you to work measuring teams while acting as a boy there?

A. James B. Shea authorized me to do so.

Q. Authorized you to do so?

A. Yes, sir; if necessary.

Q. Do you mean by that that James B. Shea told you, when nobody else was there, to measure?

A. Allow me to state this, Mr. Lundy, and I will prove that my statement is right. Mr. Shea, after I got there at Marine Park — I was about a week with Mr. Jeffery at Bussey woods, and Mr. Shea sent me on my own responsibility, acting as civil engineer, they call it, measuring loam or gravel, on my own responsibility.

Q. But Mr. Shea did at this time put you to work on this measuring at Marine Park.

A. Didn't put me altogether at measuring loam.

Q. I understand, but told you that you might measure loam at Marine Park?

A. Yes, sir.

Q. And between 11 and 12 you did measure there sometimes?

A. Yes, sir.

Q. And you were in a position also where you could see whether Mr. Abbott measured loam?

A. Yes, sir.

Q. Did Mr. Abbott always use a measure in taking measurements?

A. No, sir; he did not. He guessed.

Q. Well, would you say that the measurements made by Mr. Abbott were correct?

A. No, sir; I know they were incorrect.

Q. Why do you know that they were incorrect?

A. For the simple reason that he was drunk two-thirds of the time.

Q. Abbott was?

A. Yes, sir.

Q. Do you know whether Abbott is now an employee of the Park Department?

A. I believe he is.

Q. At the present time?

A. Yes, sir.

Q. When did you last see Mr. Abbott?

A. The last time, when I left Marine Park — sent to Franklin Park by Weidener.

Q. How many times did Abbott drink that you saw?

A. He would take frequent walks with Eugene H. Eichorn, and every time he came back I could see the signs of liquor on him.

Q. How many times a week?

A. I should say three times.

Q. Did you ever hear any conversations on the subject of drunkenness between Mr. Eichorn and Mr. Abbott?

A. I never did; no, sir.

Q. Did you ever have a quarrel with Mr. Abbott?

A. Yes, sir.

Q. About what?

A. I told him he was not measuring the loam right, and he told me it was none of my business, that my name wasn't at the bottom of the checks.

Q. I mean have you ever had any personal quarrel with Mr. Abbott?

A. No.

Q. Is there any reason why you would make statements unfriendly to Abbott here or anywhere else?

A. Yes, sir; for one reason.

Q. What is that?

A. I know of Abbott being presented with liquor at the shanty at Marine Park, South Boston, which I objected to. I told him that I was signing his name to the bottom of these checks, which I was allowed to do by Foreman Weidener, and I told him I didn't want to sign my name to any checks at that time that wouldn't be right, and I told him he should put the rule on the cart.

Q. Your statement is this, that you believed at the time you were signing checks upon the authority of Mr. Shea on Abbott's measurements, that Abbott was not in a fit condition to be responsible for any measurements?

A. Yes, sir.

Q. And you objected upon that ground?

A. Yes, sir.

Q. Now, you saw a great deal of Mr. Weidener?

A. Yes, sir.

Q. And he was there as a foreman?

A. Yes, sir.

Q. And whether or not Mr. Weidener devoted a great deal of time to his work there?

A. Well, I might say that Mr. Weidener looked out for the laborers all right.

Q. I am not asking you about that. I am asking about the time he devoted there?

A. At the shanty where the carts were getting measured?

Q. Yes, or attending to any duties that properly came under him as a foreman — how much of the time did he devote to it?

A. I should judge that he devoted about two hours daily to the loam measuring, when the carts were being measured.

Q. So far as you know, what was he doing the rest of the day?

A. At the head-house, and watching the men levelling off the loam.

Q. Did you ever see the yacht supposed to belong to Weidener?

A. Yes, sir; I took frequent sails in it.

Q. Do you recall how large a yacht that was?

A. No, sir; I never took particular notice.

Q. With whom did you sail on that yacht?

A. Mr. Eugene H. Eichorn and his brother.

Q. What brother?

A. Frederick Eichorn.

Q. On his, Weidener's yacht?

A. On a sailboat, a dory, rather, and sailed once or twice with the boy on the yacht, but sailed on a boat owned by Mr. Weidener with Mr. Eugene Eichorn and his brother Frederick.

Q. You mean to say that Weidener had two boats there, a dory and a yacht?

A. Yes, sir.

Q. At what hours of the day did you go sailing with the boy or with the Eichorns in the dory or the yacht?

A. Mr. Eichorn would ask Mr. Weidener if we could go out, and he would say that he had no objection.

Q. Was that Eugene H. Eichorn?

A. Yes, sir.

Q. How long a sail would you take?

A. Go as far as the end of the pier, and then me and Mr. Eichorn would have a private conversation.

Q. Well, now, Mr. Kelly, to come to one of these private conversations, when did they start?

A. Well, I was there about two weeks.

Q. That would bring you to about the middle of July?

A. Yes, sir.

Q. Now, say what the substance of your first conversation with Mr. Eugene H. Eichorn was?

A. Yes, sir. He asked me if I would not take checks out of the book between the hours of 11 and 12 and give them to him. He told me he had a contractor that would take and put the checks in, and that the bill would be presented to his brother, Mr. Albert H. Eichorn; that Mr. Meany could receive the money, and then afterwards give it to Mr. Eugene H. Eichorn.

Q. I would like to have the stenographer repeat that.

(The stenographer repeated the answer.)

A. That is right.

Q. Now, did you after this first conversation take any checks out of the book between the hours of 11 and 12?

A. The way Mr. Eichorn got at it was this, at first. He said there was loam went in there at night and there was nobody there to measure it, and the contractors told him they brought the loam in, and he was supposed to give the checks to this contractor, and he told me to take them out between the hours of 11 and 12. I took and I gave him the checks.

Q. Now, you gave him these checks on different occasions?

A. Yes, sir.

Q. And this first transaction of giving him checks took place about how many days after you had this conversation out in the dory?

A. Mostly every day.

Q. I know; but when did you start in after this proposition he made to you?

A. I started in — I should judge it was about the 25th of July.

Q. When did you take your next sail?

A. It was the following Saturday after the 25th of July. It was on a Saturday afternoon, and we were supposed to work. Mr. Eugene H. Eichorn asked Mr. Weidener again if he had any objections to my taking a sail with him, and Mr. Weidener said he hadn't. Then —

Q. Just answer my questions, please. How many checks did you give Eichorn the first time that you handled any for loads that were supposed to be delivered?

A. Ten checks, at an average of $30.

Q. What does that mean — $3 a check?

A. About an average of three yards to each team. I didn't understand the responsibility —

Q. Never mind any explanations. Whose names were signed to these checks that were handed over?

A. Mr. John J. Abbott's.

Q. Do you mean to state to the committee that Mr. Abbott signed checks in advance of their being used?

A. Why, there was about half a dozen that signed his name to the checks.

Q. About half a dozen signed Mr. Abbott's name to the checks?

A. Yes, sir. Even the laborers did it.

Q. Do you mean to say you had in your possession an entire book in which the checks were signed?

A. Yes, sir.

Q. Then you might at any time take out any of those checks and give them to any driver that you saw fit to give them to, and those checks would be good and represent so much loam? Is that so?

A. I didn't have to give them to a driver, because I gave them all to Mr. Eichorn.

Q. I know; but they would represent so much loam to anybody who happened to receive them, because they would be signed?

A. Yes, sir. They were signed; yes, sir.

Q. Now, that continued for how long, Mr. Kelly?

A. That continued until the day I left.

Q. Well, you didn't give checks every day, did you?

A. Yes, sir; most every day.

Q. You gave these checks to Mr. Eichorn?

A. Mr. Eugene H. Eichorn, yes, sir.

Q. Well, did you ever have any talk with Albert H. Eichorn about this?

A. No, sir.

Q. These conversations always took place with Eugene H. Eichorn?

A. With Eugene, yes, sir.

Q. Now, did Mr. Eugene H. Eichorn ever talk to you about money?

A. Yes, sir.

Q. Now, when did he have his first conversation with you about money?

A. He went and borrowed seven dollars from Mr. Weidener and came and gave it to me, for checks.

Q. When did he borrow it from Weidener?

A. I don't remember just the day.

Q. How do you know that he did?

A. He told me so.

Q. He told you so?

A. Yes, sir; and the next morning he paid it back.

Q. How did he come to tell you that he borrowed seven dollars from Weidener?

A. He told me he was going to give me some money, and he went down to the office, to the head-house, and told Mr. Weidener that he wanted to use that amount, and Weidener gave it to him, he stated himself.

Q. Did he give you any of the money?

A. Yes, sir; the seven dollars.

Q. Did you ask him for it?

A. No, sir.

Q. He volunteered it?

A. Yes, sir.

Q. Why did he say he gave it to you?

A. Told me I was all right, and that he would make it interesting for me if I kept the good work a-going. (Laughter.)

Q. Now, Mr. Kelly — not that I see anything funny about this — how long had you been doing this work for Eugene H. Eichorn before he gave you this $7?

A. Well, I should judge about a week.

Q. And after that did he give you any money, Mr. Kelly?

A. Yes, sir; gave me money to go to picnics.

Q. Who did that?

A. Eugene H. Eichorn.

Q. What picnic did he give you money for?

A. Father Cummins' barbecue, at Apollo Garden.

Q. How much did he give you to go there?

A. Five dollars.

Q. Did you ask him for it?

A. No, sir.

Q. Well, Father Cummins' barbecue took place in August, didn't it?

A. Yes, sir.

Q. Now, between the latter part of July and when you went to the barbecue did any money pass between you and Eichorn?

A. I was presented with a bicycle.

Q. Were you offered any money before you were presented with a bicycle?

A. Yes, sir; he used to come and say to me "Here is a tip," and hand me a couple of dollars.

Q. How often did that occur?

A. I should judge about three times a week. I found myself never broke.

Q. Did you ever demand money of Mr. Eichorn?

A. No, sir.

Q. Now, do you remember whether or not at any time Mr. Eichorn offered you any large sum of money?

A. Well, he told me when he got his money from Meany he would give me forty dollars, but I never got the forty.

Q. And Mr. Meany was the contractor mentioned here?

A. Yes, sir.

Q. How did he come to lend you this bicycle?

A. He never lent it to me. He presented me with it.

Q. Did you ask him for a bicycle?

A. No, sir.

Q. How did he come to propose to give you a bicycle?

A. He told me one afternoon that he was going to take and make me a present. I didn't know exactly what the present was. The following day he told me to come to his house that evening, that he wanted to see me. I went, and he took me down cellar and asked me to sit on top of the bicycle, to see how it would fit. I got on top of the bicycle, and he said, "Would you like to try it?" I said "Yes." He took it out on the street and he said, "Take it and ride home on it, and never tell where you got it."

Q. Has Mr. Eichorn ever, from that time to the present day, asked you to return the bicycle?

A. Asked how I liked it, but never asked for it.

Q. Ever ask you to return it?

A. No, sir.

Q. Has he ever, in anybody's else presence or to you, indicated that that bicycle still belongs to him?

A. No, sir.

Q. Then you consider that bicycle yours?

A. I certainly do.

Q. Now, were you ever present when Mr. Weidener and Mr. Eichorn had any conversation about loam?

A. Well, yes, once in a while.

Q. Well, now to take once — do you recall any conversation that Mr. Weidener and Mr. Eichorn, either of the Eichorns, ever had in your presence about loam?

A. No, sir.

Q. You don't recall anything?

A. Please repeat the question.

Q. (The stenographer repeated the question.)

A. In one instance I do, yes.

Q. What was that? Where was that?

A. At Marine Park.

Q. Well, what part of Marine Park?

A. At the shanty.

Q. What shanty?

A. Well, the shanty where we used to write the checks off.

Q. Well, now, state exactly whether there was more than one shanty there?

A. There was but one shanty.

Q. And that was used by the foreman or whom?

A. That was used by me and Abbott, and Mr. Weidener used to come in there quite often.

Q. Now, you say you heard a conversation between Mr. Weidener and one of the Eichorns?

A. Yes, sir.

Q. Which of the Eichorns?

A. Mr. Albert H. Eichorn.

Q. He is the gentleman who has just testified?

A. Yes, sir.

Q. And what was the substance of that conversation?

A. Well, it was the day of the picnic, the Park picnic.

Q. Which picnic is that, Mr. Kelly, — the Park picnic?

A. Well, the Park Department, the laborers of the Park Department.

Q. They have a picnic, do they?

A. Yes, sir. I believe it was in August. There was a contractor by the name of McCarthy who delivered loam there, and he didn't get no tickets for the loam. They told him they wouldn't give him any tickets for that loam.

Q. Who told him?

A. Mr. Albert H. Eichorn.

Q. What did he have to do with that?

A. He told Mr. Weidener not to give him any tickets, and Mr. Weidener said he wouldn't give him any tickets until Albert H. Eichorn consented for him to do so.

Q. Prior to that time did you know of an instance where Mr. Eichorn told Mr. Weidener to give or not to give any tickets?

A. No, sir.

Q. But on this particular day you say that Mr. Eichorn — Albert H. Eichorn — told Mr. Weidener not to give any tickets to Mr. McCarthy. Is that it?

A. Yes, sir.

Q. Go ahead.

A. And Mr. Eugene H. Eichorn strongly stuck to that, because he told me afterwards —

Q. Never mind that. What did McCarthy do?

A. He made a fight for the tickets, but never got them.

Q. Well, didn't get them at that time, anyway?

A. No, sir.

Q. And did you hear any reason assigned to Mr. McCarthy why he shouldn't receive those tickets?

A. Well, Mr. Eichorn said he told Mr. McCarthy not to deliver loam on that day, but I never heard Mr. Eichorn say so, and I was there all the time.

Q. Let me get that once again.

A. I said I never heard Mr. Eichorn tell Mr. McCarthy not to deliver loam on that day.

Q. Well, did you hear Mr. Eichorn tell Mr. McCarthy he had been instructed not to deliver loam on that day?

A. No, sir.

Q. What was the conversation that took place between Weidener and Eichorn?

A. Well, Mr. Weidener told Mr. Eichorn that he wouldn't give the checks to McCarthy until Eichorn consented.

Q. And on that day Mr. Eichorn didn't consent?

A. No, sir.

Q. Now, aside from yourself, who was in the shanty on this day of the conversation between Weidener and Eichorn?

A. I believe Mr. Abbott was there at the time. I think I am right in stating so.

Q. Were you on a familiar footing with Mr. Weidener?

A. Yes, sir.

Q. Did he take you into his confidence at all?

A. No, sir.

Q. Well, did Mr. Weidener hesitate to discuss private matters while you were present?

A. I believe he did.

Q. You believe he hesitated to?

A. Yes, sir.

Q. And you heard no private conversations on the part of Mr. Weidener?

A. No, sir.

Q. When did you go to New York?

A. I went to New York — got kind of tired of working and thought I would take a few days' rest. I went to New York for a pleasure trip. I lost my ticket and found I was in pretty good —

Q. Wait a minute — never mind stating so many reasons and making so many explanations. You will probably have to do that on cross-examination. Answer the questions. When did you go to New York, or about when?

A. I believe I went to New York in October.

Q. Of 1898?

A. Yes, sir.

Q. And did you pay your own fare to New York?

A. Well, the fare was given me before I went to New York.

Q. Who gave you the fare?

A. Mr. Eugene H. Eichorn.

Q. And why did he give you the fare?

A. Well, I asked him if he would lend me five dollars, and I had ten dollars of my own, and I said I wanted to go to New York a few days, and he said yes, he would do so.

Q. And he lent you the five dollars?

A. Didn't lend it — told me I could have it.

Q. Well, you got five dollars from him?

A. Yes, sir.

Q. How long were you in New York?

A. I was in New York four days.

Q. And did you have any money left at the end of those four days?

A. No, sir.

Q. And what did you do then?

A. When I found myself broke I went to the telegraph office and I asked them if they would take and send a telegram to Boston for me, and they said yes, and they asked me if the telegram would be collected on that end and I said "Yes." They asked me who I would send the telegram to, and I told them Mr. Eugene H. Eichorn, told them he was in business at 73 Kingston street, and the men folded and forwarded the telegram, and when it got there Mr. Eichorn couldn't come quick enough to the depot to purchase a ticket for me to get back to Boston.

Q. Never mind about that. Mr. Kelly, you knew Mr. Weidener?

A. I knew him while working in Marine Park.

Q. You knew Albert H. Eichorn?

A. While working in Marine Park, yes, sir.

Q. And you knew a number of people in Boston?

A. Yes, sir.

Q. And you had some relatives?

A. Yes, sir.

Q. Well, will you tell this committee why, when you needed your fare home, you telegraphed for that fare to Eugene H. Eichorn?

A. Because he told me if I was short not to forget to call on him.

Q. Do you know of any particular reason why you should call on him?

A. Do I know any particular reason?

Q. Yes.

A. Because he used me for a proper tool. That is why.

Q. Were you at Mr. Eichorn's office yesterday morning?

A. Yes, sir.

Q. And, by the way, you have heard Mr. Eichorn testify here, haven't you?

A. Yes, sir.

Q. Now, why did you go to Mr. Eichorn's office?

A. Because he sent for me.

Q. How did he send for you?

A. Sent for me by postal.

Q. Have you got the letter or the postal?

A. No, sir.

Q. Were you asked to bring that letter here?

A. No, sir.

Q. Never asked to bring the letter here?

A. No, sir.

Q. Well, do you remember having any talk with me yesterday?

A. Yes, sir; I do remember having a little talk.

Q. Do you remember my asking you whether or not you had a letter from Mr. Eichorn?

A. Yes, sir.

Q. And you remember that you stated you had?

A. Yes, sir.

Q. Now, do you remember whether I told you to bring the letter here?

A. I believe I was asked by you to take and bring the letter, and I believe I told you afterwards I couldn't find it.

Q. Now, how long were you at Mr. Eichorn's office on Kingston street?

A. I was there, I should judge, about 15 minutes.

Q. When you went into Mr. Eichorn's office who was there?

A. There was another man there — I don't know what his name was.

Q. And were there any people waiting to see Mr. Eichorn?

A. No, sir.

Q. And what did Mr. Eichorn say to you when you went into his office?

A. He asked me if I was summoned to come to this investigation.

Q. You heard Mr. Eichorn testify that you asked him if he had been summoned to appear hear? You heard that?

A. Yes, sir.

Q. Whether or not that is so?

A. It is not so.

Q. What did you tell Mr. Eichorn when he asked you that question?

A. I told him "No."

Q. Did he ask you if anybody had made any inquiries of you concerning the Park Department?

A. Yes, sir.

Q. And what did you say to him?

A. I told him "No."

Q. What else did he say to you?

A. He offered me $5.

Q. For what?

A. If anything should come up to keep quiet.
Q. He offered you $5?
A. Yes, sir.
Q. And did he offer that $5 to you in actual money?
A. Yes, sir.
Q. In the presence of this other man?
A. No, sir, on the stairs going down.
Q. You had 15 minutes conversation with him?
A. Yes, sir.
Q. You seem about as vague about it as he does. About what did you talk during those 15 minutes?
A. Well, he said if this should happen to come up to keep quiet and not to have anything to say about the matter at all, and I didn't tell him whether I would or not, and he offered me $5, and I told him I didn't want it — told him I wouldn't take it.
Q. You did want it, didn't you?
A. No, sir.
Q. And you didn't take it?
A. No, sir.
Q. Well, why did you go down there?
A. Because I got a postal card to go and see him.
Q. Did you have any idea before you went there what he wanted to see you about?
A. I never dreamt of the man. Why should I go to see Mr. Eichorn unless he sent for me?
Q. Well, after he sent for you, why did you go to see him? You knew what the man was, didn't you?
A. I didn't know what he wanted — didn't know about the investigation, because if I did I never would have went near him.
Q. How long did it take him to tell you what he wanted?
A. About 15 minutes.
Q. Can you recall any of the conversation down there talking with him.
A. Yes, sir; I can.
Q. What did he say about this investigation?
A. He told me that Weidener said that I was a bad boy while I was on the Park — these are the words Mr. Eichorn said. Mr. Eichorn said: "I stood by you," he says, "and I told Mr. Weidener that I never seen anything bad about you." Mr. Eichorn, I believe, had good reasons for saying that.
Q. Considering the record that has gone in, I should think he had. Now, who was the contractor, Mr. Kelly, that was to put in these bills?
A. Who were the contractors?

Q. Who was the particular contractor who was to put in loam for which Mr. Eichorn was to be paid?

A. Mr. Michael Meany of South Boston.

Q. Now, were you ever around when the Eichorns made out their bills?

A. They asked me if I would make out some bills for some of the contractors, and I did so, and they wouldn't let the contractors get their money until they gave me some.

Q. You say you made out bills for certain contractors?

A. Yes, sir.

Q. And those contractors' bills ran from the contractors to the Eichorns?

A. Yes, sir.

Q. And you swear now?

A. Yes, sir.

Q. That you made out certain bills from the Eichorns to the contractors?

A. Yes, sir.

Q. Could you identify any of those bills?

A. Yes, sir.

Q. Can you remember the names of any contractors in whose names you made out those bills?

A. Yes, sir; I can.

Q. And you can at this time identify your handwriting?

A. Yes, sir.

Q. Do you remember who M. J. Kelly was?

A. Yes. I made out one bill for J. J. Kelly.

Q. Answer the questions as I put them. Do you recall whether you made out a bill for M. J. Kelly.

A. No, sir.

Q. Ever make out a bill for Timothy McCarthy?

A. No, sir.

Q. Ever make out a bill for Timothy Lynch?

A. Yes, sir.

Q. (Handing bill to witness.) Whether or not that is your handwriting?

A. No, sir. I should judge that is one of the Eichorns' handwritnig.

Q. Never mind — we will come to that later; but that is not your handwriting?

A. No, sir.

Q. But you have made out bills for Timothy Lynch?

A. Yes, sir.

Q. Did you make out any for Mark Lynch?

A. Yes, sir.

Q. (Handing bill to witness.) Whether or not any part of that is your handwriting?

A. This is my handwriting.
Q. Which?
A. That.
Q. What part of that?
A. That (pointing to bill).

Mr. LUNDY.— If you please, Mr. Matthews, take a look at that? (Handing bill to Counsel for the Park Commission.) I am going to offer it in a minute.

Q. (By Mr. LUNDY.) "550 Mass. Ave., Boston, Nov. 2nd, 1898." — in one handwriting. Is that your handwriting, that top writing?
A. No, sir.
Q. "Albert H. Eichorn, To Mark Lynch, Dr. To
Aug. 1898 To 4 Tickets —
12.73 cu. Yards Loam at 90c. yard — $11.45. Received payment" — is that in your handwriting?
A. No, sir; that is not in my handwriting.
Q. What part is your handwriting?
A. This is my handwriting here — "Albert H. Eichorn, To Mark Lynch, Dr." is in my handwriting; "Aug. 1898" is my handwriting; that is my handwriting; "To 4 Tickets" — that is my handwriting, right there. That is my handwriting (pointing to paper), but that (pointing to another place) is not my handwriting, right there at the bottom, Mr. Lynch's name.
Q. The signatures, then, and the amount of money are not in your handwriting?
A. No, sir.

Mr. LUNDY. — I offer that, Mr. Chairman.

The CHAIRMAN. — Do you want the Clerk to mark that?

Mr. LUNDY. — Yes, sir.

(The bill referred to was marked "Exhibit No. 2." See end of day's hearing.)

Mr. LUNDY. — Isn't that exhibit one?

Mr. MATTHEWS. — No, we have already had an exhibit one.

Mr. LUNDY. — That went in without my seeing it.

Q. (By Mr. LUNDY.) Did you ever make out bills to L. H. Tucker?
A. No, sir.
Q. Don't know about them?
A. No, sir.
Q. Ever make out any bills to Maurice Buttimer?
A. No, sir.
Q. Robert Duncan?
A. No, sir.
Q. Charles Jacobs?
A. No, sir.

Q. John Donovan?
A. No, sir.
Q. J. F. Elkins?
A. No, sir.
Q. Robert Dineen?
A. No, sir.
Q. Here is a bill of Mark Lynch's (handing bill to witness). Anything on there of yours?
A. No, sir; that is not my handwriting.
Q. Hudson — T. E. Hudson?
A. No, sir.
Q. J. F. Elkins?
A. No, sir.
Q. You hadn't anything to do with Elkins at all?
A. No, sir.
Q. Anything to do with Daniel Noonan?
A. No, sir.
Q. J. J. Kelly?
A. Just let me look at that, please (examining bill). I believe I made out a bill for Mr. John J. Kelly.
Q. Well, that is your handwriting?
A. No, that isn't my handwriting.
Q. And that is not the bill you should say that you made out?
A. No, sir.
Q. Make any out for P. F. Donovan?
A. No, sir.
Q. Michael Lahey?
A. Yes.
Q. (Handing bill to witness.) Is that it? Did you make that out?
A. I believe that is my handwriting.
Q. Well, don't you know your own handwriting?
A. I believe that is my handwriting.
Q. Well, have you any distinct recollection of making that out?
A. No, but I will state that that is my handwriting, because I believe it is.
Q. You state that it is?
A. Yes, sir; because it looks a good deal like my handwriting.
Q. Have you any recollection as to who Mr. Lahey is?
A. He is a contractor. Just let me look at the bottom of that (examining bill). That is my handwriting.
Q. That is your handwriting?
A. Yes, sir. I can tell by the "p."
(See Exhibit 3 at end of day's hearing.)

Q. John Donovan you said you didn't make out any for. Holland you say you didn't make any out for.

A. Never made any out for him.

Q. Now, we have one here, "M. Meany, Dr."

A. I didn't want to make that bill out.

Q. Never mind — find out first if you made it out. Is that in your handwriting?

A. (Examining bill.) No, sir.

Q. That is not in your handwriting?

A. No, sir.

Q. Do you know whose handwriting it is in?

A. No, sir. Just let me look at that, please. (Examining bill again.) Well, I can't distinguish the handwriting, so I can't tell.

Q. Well, I will hold that a minute. Now, you didn't touch any of Holland's, you say?

A. No, sir.

Q. Bowers Brothers?

A. No, sir.

Q. Frank J. Hannon?

A. No, sir.

Q. Flanagan Brothers?

A. No, sir.

Q. Where did you used to do this work?

A. Right in the shanty with Mr. Eugene H. Eichorn.

Q. Under his dictation?

A. Yes, sir.

Q. Did he ever tell you why he had you make them out?

A. No, he did n't.

Q. Martin Gill & Son?

A. No, sir.

Q. Daniel Noonan?

A. No, sir.

Q. John J. Looney?

A. Let me look at that. (Examining bill.) Gentlemen, I don't remember any contractor of that name bringing it in. It must have been brought in in June — yes, brought in before I went there, June 30.

Q. Your opinion is right. Do you know anything about the name of Cummings, T. F. Cummings?

A. Just let me look at that. (Examining bill.) No, sir.

Q. Charles J. Jacobs — do you know anything about that?

A. No, sir. I remember his being there.

Q. But you don't remember having anything to do with the bill?

A. No, sir.

Q. Timothy McCarthy?
A. No, sir.
Q. Is that your handwriting?
A. (Examining bill.) No, sir.
Q. J. F. McCarthy, Charlestown — anything about him?
A. No, sir.
Q. James W. O'Brien?
A. No, sir.
Q. Now, here are two bills of J. J. Kelly?
A. Just let me look at them, please. (Examining bills.)
Q. See if either of those is in your handwriting?
A. One is in my handwriting, the other is not.
Q. Which one is?
A. This one, but that had been crossed off. I remember, though, making figures that didn't correspond with that.
Q. You don't mean to say that new figures were put on that?
A. Yes, sir; there are new figures.
Q. Those figures are not your handwriting?
A. No, sir. I remember in regard to that bill, especially, because I sat up until 12 at night and went to Mr. Kelly's house to make the bill.
Q. The body of that is in your handwriting?
A. Yes, sir.
Q. And this, you say, is not?
A. I believe that is my handwriting — the top. The top is my handwriting.
Q. And that is not your handwriting?
A. No, sir. I may be mistaken on the top, but it looks a good deal like my handwriting.
Q. Well, the top is in your handwriting?
A. Yes, sir.
Q. And you made out the bill for the Eichorns?
A. Yes, sir.
Q. And you are sure you didn't make out the one underneath?
A. I know I didn't that one.
(See Exhibit 4 at end of day's hearing.)
Q. Did you make out a bill to Manning?
A. No, sir.
Q. Any part of a bill to Manning?
A. No, sir.
Q. Fogg?
A. No, sir.
Q. Bowers?
A. No, sir.

Q. Do you remember of making out a receipt for Meany — received of Albert Eichorn $300?

A. No, sir.

Q. Any of your handwriting on that?

A. (Examining paper.) No, sir.

Q. Not your handwriting, Timothy Lynch?

A. Just let me look at that (examining bill). That is my handwriting.

Q. "Boston, Aug. 1, 1898. To A. H. Eichorn, Dr., to Timothy Lynch. Bill for loam delivered at Marine Park during month of July." You say that is yours?

A. Yes, sir. (Examining bill.) Let me look at the bottom there. (Examining bill again.) Yes, sir; the bottom there is Mr. Lynch's writing.

Q. You didn't make the signature?

A. No, sir; not the bottom.

Q. The top, you are quite positive, is in your handwriting?

A. Yes, sir.

The CHAIRMAN. — What do you propose to show by going over these bills?

Mr. LUNDY. — I thought that was perfectly evident to the Committee. This man claims that while he was employed by the Park Commission at Marine Park he was in collusion with a certain contractor, or with the assistant or representative of a certain contractor; that he there entered into certain criminal collusion with them by which the Park Department was defrauded — beyond that, showing his intimacy with this contractor and showing collusion with other contractors and teamsters, etc.; that the collusion was so perfect that these different contractors, who were supposed to be working for themselves, even went to the extent of having their bills made out in the office of the man who was supposed to pay them. This man on the witness stand has said that he made out certain of those bills. We have here all those bills covering the period when Eichorn claims he put in loam in South Boston. This witness says he can identify some of them. If he can, and they are introduced and it is subsequently proved what they are, I think it is one of the most material things that can possibly be produced to bear on this investigation.

Mr. MATTHEWS. — We haven't any objection.

Q. (By the CHAIRMAN.) I think you say the top of that (referring to Exhibit 5) is in your handwriting?

A. All excepting Mr. Timothy Lynch's name at the bottom.

Q. (By Mr. DEVER.) Who made these figures?

A. I did.

Q. You made all those figures?

A. No, sir; I didn't make all of them. These two here, rubbed out, I didn't make.

Q. (By Mr. LUNDY.) There is an alteration of two figures "26" on two lines there?

A. Yes, sir.

Q. Those alterations were not made by you?

A. No, sir.

Q. All the rest, except the signature, is your handwriting?

A. Yes, sir.

(See Exhibit 5 at end of day's hearing.)

Q. Do you know anything about that (handing a bill to witness)? Look at that writing?

A. (Examining bill.) That is not my handwriting.

Q. It is not, any of it?

A. No, sir.

Q. Two bills from Meany — any of that in your handwriting?

A. No, sir.

Q. Another one from Meany — any of that in your handwriting?

A. No, sir.

Q. One from Mark Lynch — any of that in your handwriting?

A. (Examining bill.) That is my handwriting; part of it, anyway.

Q. Be very careful, Mr. Kelly, in picking these out?

A. Yes, sir; I will.

Q. And say just what part of that is in your handwriting?

A. Where it says, "Please return receipted bill to Albert H. Eichorn," is not my handwriting. "Mark H. Lynch," at the bottom, where he signs his signature, is not mine.

Q. The rest is your handwriting?

A. Yes, sir.

Q. Dated July 29?

A. Yes, sir.

(The bill referred to is Exhibit 6 at end of hearing.)

Q. Did you ever make out more than one bill to Mark H. Lynch?

A. I think two, if I am not mistaken.

Q. You say aside from the signature, "Mark H. Lynch," and the "Please return receipted bill to Albert H. Eichorn," etc., the rest of it is in your handwriting?

A. Yes, sir.

Q. There is another bill (handing bill to witness)?
A. That is not my handwriting.
Q. Lombard?
A. No, sir.
Q. Well, look at that handwriting.
A. (Looking again at bill.) That is not my handwriting.
Q. (Referring to another bill.) Richard Falvey?
A. (Examining bill.) That is not my handwriting.
Q. Now, here is a bill of J. F. McCarthy's. Look at that.
A. (Examining bill.) No, sir; that is not my handwriting.
Q. J. J. Sullivan?
A. No, sir.
Q. Fogg?
A. No, sir; it is not my handwriting.
Q. You made out none to Fogg?
A. No, sir.
Q. Flanagan Bros.?
A. No, sir.
Q. Make out any receipt to Timothy Lynch, twenty dollars?
A. Just let me look at it, please (examining paper). No, sir.
Q. Anything of J. C. Spillane?
A. Let me look at the writing, please. (Examining.) No, sir.
Q. A receipt of ten dollars, J. Albert Burns — any of that in your handwriting?
A. (Examining.) No, sir.
Q. Martin Gill?
A. No, sir.
Q. John Burns, debtor, — have anything to do with that lighter?
A. No, sir.
Q. Steam Tug Boat Cadet — you had nothing to do with that, did you?
A. No, sir.
Q. Cavanagh & Co. — had nothing to do with them, did you?
A. No, sir.
Q. Now, there are two things that I have laid aside here. This is some memorandum or statement of some Cummings — is any part of that in your handwriting?
A. (Examining.) No, sir.

Q. None whatever. Now, is any part of this statement of August 11, account between Albert H. Eichorn and M. Meany, Dr., in your handwriting?

A. (Examining.) No, sir; that is none of my handwriting.

Q. Then you have identified, out of these bills, all that were in your handwriting?

A. Yes, sir.

Q. And all those bills or statements you say were made at the dictation of Eugene H. Eichorn?

A. Yes, sir.

Q. And while you were working at Marine Park there?

A. Yes, sir; all but the bill of Kelly's.

Q. Where was that?

A. Kelly — he asked me to make out a bill at his house.

Q. Kelly asked you?

A. Yes, sir.

Q. In the other cases who asked you — Mr. Eichorn or the contractors?

A. Mr. Eichorn told the contractors he had somebody who would make out the bills for them.

Mr. LUNDY. — Well, that is all for the present time, Mr. Chairman.

The CHAIRMAN. — He is your witness, Mr. Matthews.

Cross-Examination.

Q. (By Mr. MATTHEWS.) Mr. Kelly, you have either seen or had read to you all the receipts of Mr. Eichorn's, haven't you?

A. A little louder, please, Mr. Matthews.

Q. (Question repeated.)

A. Yes, sir.

Q. And you have identified five of them as having been written in part by you?

A. Yes, sir.

Q. That is right, isn't it?

A. Yes, sir. Do you wish me to show my handwriting?

The CHAIRMAN. — Answer the question.

Mr. MATTHEWS. — That is all right, Mr. Chairman. He is doing very well. He will answer everything.

Q. (By Mr. MATTHEWS.) Now, look at the one marked Exhibit 3, signed "Michael K. Lahey."

A. Excuse me — I have made a mistake on that bill. That is not my handwriting. We are all liable to mistakes.

Q. You want to withdraw Exhibit 3?

A. Yes, sir; withdraw that.

Q. Well, would you like to withdraw Exhibit 4?
A. On that bill — I think that is my handwriting.
Q. You are not very sure about it, are you?
A. Yes, sir; quite sure.
Q. You think you are sure about that?
A. Yes, sir.
Q. Now, that is signed "J. J. Kelly," isn't it?
A. Yes, sir.
Q. Any relation of yours?
A. No, sir.
Q. How did you come to make that bill out?
A. Well, I have already stated, Mr. Matthews, that I went to his house by special request to do so.
Q. Kelly's house — J. J. Kelly's?
A. Yes, sir; I believe he lives on what they call Hogg's Bridge, if I am not quite mistaken.
Q. Well, what did he tell you?
A. He asked me to make out the bill for him, and I told him I would. Oh, say! Oh, wait a minute — well, no, I have made a mistake in regard to that. But I can prove I am right on making out his bill.
Q. Hold on a moment. Tell us what mistake you have made, first, and go into proof afterwards.
A. This one here I didn't make out, but right here at the bottom I find 546 cubic yards at 90 cents per yard, amounting to $491.98½. This "received payment" is my handwriting.
Q. Well, that is on the sheet underneath?
A. Yes, sir.
Q. That is the one you said, in reply to Mr. Lundy, that you didn't make out, isn't it?
A. Well, you will find, I think, on the bottom sheet my writing.
Q. You now find out that you have made a mistake?
A. Well, we all make mistakes.
Q. Well, you have made two mistakes on two receipts.
A. Well, I have covered that mistake.
Q. Exactly. You have covered them both (laughter). Now, cast your accurate eye over Exhibit 2. What do you say to Exhibit 2, on second thought?
A. That is my handwriting.
Q. Sure of it?
A. Yes, sir.
Q. Now, that is Mark Lynch, isn't it?
A. Yes, sir.
Q. Formerly a councilman?
A. Yes, sir; formerly a councilman.

Q. And did he ask you to make that out? Did Mr. Lynch ask you to make out that bill?

A. Yes, sir.

Q. And it was made out in the shanty, wasn't it, on the place?

A. I made one bill out in the shanty, and I went down to Mr. Lynch's house, at his summer residence? I thought I would take a ride down on a cool afternoon, on the cars, down to Hough's Neck, where I made out the bill.

Q. Well, you made out the bill before you took the cool ride, at the shanty, didn't you?

A. Yes, sir.

Q. What was the object of making out that bill?

A. That is one of those bills.

Q. There are two Mark Lynch bills there, aren't there?

A. Well, that is the bill I said I made out — this one right here (pointing to bill).

Q. That is Exhibit 6?

A. That is the bill I just said I made out. Just a minute, Mr. Lundy.

Q. That is right. Get Mr. Lundy to straighten it out for you.

A. Excuse me, but I haven't got to use eyeglasses. I think I can identify the two handwritings before me.

The CHAIRMAN. — Answer the question.

Mr. MATTHEWS. — He is answering, Mr. Chairman. I haven't any fault to find. He is one of the most satisfactory witnesses I ever met. (Laughter.)

The WITNESS. — Oh, I wish to say right here now that that here is not in my handwriting — this bill (pointing to bill).

Q. (By Mr. MATTHEWS.) What is that? Exhibit 2, isn't it?

A. Yes, sir; that is not my handwriting, but this one here is.

Q. Fix this first. Exhibit 2 is not your handwriting? I don't want to catch you, but I understood you to say so, that is all.

A. I said I made out two bills for Lynch.

Q. Yes. Now, one of the bills you have in your hand you didn't write. They are not in the same handwriting, are they?

A. No, sir.

Q. Then Exhibit 2 is the one that is not in your handwriting. It is not, is it?

A. No, sir.

Q. Then we have Exhibit 6. That is in your handwriting?

A. Yes, sir.

Q. Now, let us see about Exhibit 5. What do you say as to that, on second thought?

A. That is my handwriting.

Q. Do you think the handwriting on Exhibit 5 is the same as in Exhibit 6?

A. Yes.

Q. You do?

A. Yes, sir.

Q. Aren't you a little doubtful?

A. No, sir. I can show it right here. Do you see any difference —

Q. I am nor an expert in handwriting.

A. Well, that is all right. Do you see any difference in that "l" there before "loam" and that "l" there? Do you?

Q. I am not on the witness stand. Now, one of those is a receipt —

A. Furthermore — (Laughter.)

Q. Wait a moment. One of those was a bill of Mark Lynch, and the other was a bill of Timothy Lynch?

A. Yes, sir.

Q. Now, how did these gentlemen come to get you to make out those bills?

A. Mr. Eichorn said that if any of the contractors wanted bills made out, and couldn't make them out, he had a gentleman working for him, not alone for the Park Department, who was capable of making out those bills.

Q. And you were that gentleman?

A. Yes, sir.

Q. Then these bills were made out by you for the sub-contractors to present to Mr. Eichorn?

A. Mr. Eichorn asked me to do so.

Q. Exactly, but they were bills between the sub-contractors and Eichorn?

A. Yes, sir.

Q. They hadn't anything to do with the city, had they?

A. No, sir.

Q. And they represent the loads of loam these sub-contractors claim that they sold to Eichorn, or delivered there?

A. The bills state that, don't they?

Q. That is what you thought they represented?

A. Yes, sir.

Q. And it was on those bills that Mr. Eichorn paid them?

A. He didn't pay them before I got paid.

Q. Well, he paid them, as far as you know?

A. Yes, sir.

Q. Well, is there anything wrong about those two transactions?

A. Anything wrong in what way, do you mean?

Q. The handwriting may be wrong, I admit, but I mean anything else?

A. No, sir.

Q. The bills are right, as far as you know?

A. Everything in Marine Park was all right. (Laughter.)

Q. I am asking you about these particular bills — the one made out by Timothy Lynch for $136.26, and the other by Mark Lynch for $428.45. They were both made out to Mr. Eichorn. I want you to tell this committee if you know of anything wrong about those two bills, and, if so, what?

A. I have stated already that I don't know anything wrong about those two bills.

Q. That is what I thought. They are all right, aren't they?

A. I thought so.

Mr. LUNDY. — Then these two go out, I suppose?

Mr. MATTHEWS. — No, they stay in. They stay where they are, as exhibits.

Mr. LUNDY. — I mean substantially they are out.

Q. (By Mr. MATTHEWS.) Now, when did you first join the Park Department, Mr. Kelly?

A. I believe I joined the Park Department the year 1898, in the month of March.

Q. What were you doing just before that?

A. I was hired as a water boy. Before I went into the park?

Q. Yes.

A. I always worked for my father.

Q. Always?

A. Yes, sir; since I left school.

Q. When did you leave school?

A. I believe I left school in 1895.

Q. How old were you then?

A. I was fifteen years old.

Q. What is your father's name?

A. Thomas Kelly.

Q. Where does he live?
A. 20 Dacia street, Roxbury, Mass.
Q. And you live there now?
A. Yes, sir.
Q. And you left school in 1895?
A. Yes, sir; I think I did — yes, sir.
Q. How old were you then?
A. Fifteen years old.
Q. And went into the Park Department in 1898?
A. Yes, sir.
Q. And what did you do in the intervening three years?
A. I have stated that I worked for my father.
Q. Is that all you did?
A. Yes, sir.
Q. Sure?
A. Yes, sir.
Q. Where were you all that time?
A. Where was I?
Q. Yes.
A. Well, I told you I was working for my father.
Q. Lived at home all that time?
A. Mostly all the time.
Q. Sure?
A. Yes, sir.
Q. Never away from home?
A. I don't know as that has anything to do with this Park investigation, whether I was away from home or not.
Q. Do you hesitate to answer the question?
A. I will state that I was away from home, yes, sir.
Q. State when and where?
A. I don't know as that has anything to do with the Park investigation, and I therefore refuse to answer the question.
Q. You refuse?
A. What has that to do with the Park investigation?
Q. It might have something to do with you?
A. What has it got to do with this matter?
Q. It might have a good deal to do with it.
A. It has nothing to do with the Park investigation.
Q. But it may have a good deal to do with you.
A. I don't see who it has.
Q. Will you tell the committee?
A. I don't see why the committee need to know anything about that.
Mr. LUNDY. — You may answer all those questions, Mr. Kelly.

The WITNESS. — Well, I will state that I was in a college at Concord.

Q. (By Mr. MATTHEWS.) In what?

A. Well, I will state that I was in the Massachusetts Reformatory, in Concord.

Q. When were you there?

A. Well, I don't just exactly remember the dates.

Q. Between 1895 and 1898?

A. Yes, sir.

Q. How long were you there?

A. Well, that I don't just exactly remember.

Q. What was the last answer?

A. I stated that I didn't know exactly how long I was there.

Q. Six months?

A. Yes, sir.

Q. A year?

A. Yes, sir.

Q. Two years?

A. No, sir.

Q. A year and a half?

A. About that.

Q. Then, of the three years that elapsed between your leaving school and your entering the Park Department, you spent half that time at the Reformatory?

A. Yes.

Q. Now, how did you get there?

A. How did I get there?

Q. Yes.

A. I went there for taking a dollar.

Q. For larceny?

A. Took a dollar — wasn't much larceny in taking a dollar. I took a dollar.

Q. What crime were you convicted of?

A. Well, that I don't know.

Q. You have forgotten?

A. No, sir; I didn't forget it. I don't know as I ever knew.

Q. Didn't know at the time, even?

A. No, sir; I didn't.

Q. You know you were in the Reformatory for a year and a half, but you don't know for what crime you were sent there? Do you want to leave it that way?

A. Well, yes, I would state it that way.

Q. You would rather leave it that way than have the real facts appear, wouldn't you?

A. Well, what has it to do with the investigation of this Park Department, anyhow?

The CHAIRMAN. — The witness will please answer counsel's question.

Mr. LUNDY. — I think it wasn't a fair question.

The WITNESS. — I don't know that that has anything to do with this park investigation.

Mr. LUNDY. — Keep quiet.

Q. (By Mr. MATTHEWS.) Answer the question. What crime were you arrested for and convicted of, that sent you to the Reformatory?

A. Well, I have already stated that I didn't know what I was sent there for.

Mr. LUNDY. — Pardon me, Mr. Matthews. Perhaps the witness does not understand what you mean. Do you want a description of the crime or the details of it? It certainly wasn't larceny, from a personal look at the records.

Mr. MATTHEWS. — Mr. Chairman, I offer at this point certified copies of the conviction of this young man on two complaints, for taking money under false pretences, and I will ask to have them marked Exhibits 7 and 8.

(The Exhibits referred to, 7 and 8, will be found at close of day's hearing.)

Q. (By Mr. MATTHEWS.) Well, Mr. Kelly, how long was it after you left the Reformatory that you went into the Park Department?

A. In March, 1898.

Q. You left the Reformatory in March, 1898?

A. No, I didn't leave the Reformatory then.

Q. Well, when did you leave the Reformatory?

A. Well, I should judge that it was about 1896, I think.

Q. Well, if you had left school in 1895 and spent a year and a half in the Reformatory, you couldn't have got out in 1896, very well.

A. I was there the very first of 1895, in February.

Q. Well, if you stayed a year and a half, that would bring you out towards the end of 1896?

A. Yes, sir.

Q. What did you do in the two years between leaving the Reformatory and entering the Park Department?

A. Worked for my father.

Q. You entered the Park Department in the early part of 1898?

A. In March, yes, sir.

Q. How long did you stay in the Park Department?

A. I should judge I stayed in the Park Department until the latter part of October.

Q. Until the time you took this trip to New York?

A. Yes, sir.

Q. How did you happen to take that trip to New York?

A. I wasn't working in the Park Department at that time.

Q. You were discharged, weren't you?

A. No, sir; I wasn't discharged from the Park Department.

Q. What did you do — discharge yourself?

A. I resigned.

Q. You got into trouble, didn't you?

A. No, sir. I got a letter from Mr. James B. Shea to Mr. Steinebrey at Neponset, to be put at work there.

Q. You disappeared from the Park Department in 1898?

A. What reason had I to leave the Park Department?

Q. Well, you told Mr. Lundy that you were tired of working and wanted a rest.

A. That I was tired of working and wanted a rest?

Q. Was that the only reason?

A. No, sir.

Q. What other reason was there?

A. I stole twenty dollars.

Q. Was that while you were in the Park Department?

A. No, sir.

Q. After you left the Park Department?

A. Yes, sir.

Q. I didn't ask you that. I asked you why you left the Park Department in September or October, 1898?

A. Because I heard so much talk about the parks.

Q. You weren't satisfied with the management of the parks?

A. No, I was not satisfied with the management of the Park Department.

Q. And they weren't quite satisfied with you, were they?

A. They were satisfied with me, and Mr. Shea gave me a letter to Mr. Steinebrey to continue work.

Q. Well, you want this committee to understand that you had no difficulty with the Park Department at all. Is that so?

A. I had a little difficulty with Mr. Eugene H. Eichorn.

Q. Did you have any difficulty with the Park Commissioners or any of their subordinates which led to your resigning?

A. Did I?

Q. Yes.

A. Well, I believe I did.

Q. I rather thought we would come to it finally.

A. But you must remember that I was hired as a water boy, and not as a surveyor.

Mr. LUNDY. — Please answer the questions.

Mr. MATTHEWS. — I don't object to his answer.

Mr. LUNDY. — I do.

Q. (By Mr. MATTHEWS.) You left the Park Department, having at last admitted that you had a difficulty with them, in September or October, 1898, and what have you been doing since?

A. Well, for the last three months I worked for a horseshoer by the name of D. F. McCormick, on Columbia road.

Q. Are you working for him now?

A. No, sir.

Q. When did you cease working for him?

A. Well, he laid off two of his help, because there was no work going on — wasn't any sharpening going on.

Q. When was that?

A. It was a week ago last Tuesday.

Q. What did you do before you worked for this horseshoer? What did you do before that?

A. Well, I worked about a month for my father.

Q. And before that?

A. I came home from the House of Correction.

Q. You went to the House of Correction?

A. Yes, sir.

Q. That is, you went to the Reformatory before you went to the Park Department, and you went into the House of Correction after leaving the Park Department?

A. Yes, sir.

Q. Now, what put you into the House of Correction?

A. I have already stated that.

Q. I haven't understood it, then?

A. I told you I stole money.

Q. And that was after you left the Park Department?

A. Yes, sir.

Q. You were arrested and convicted of larceny?

A. Yes, sir.

Mr. MATTHEWS. — Mr. Chairman, I will offer the certified copies of this young man's conviction in two cases — both, I believe, in the year 1899.

(The Exhibits referred to, Nos. 9 and 10, will be found at the close of the day's hearing.)

The WITNESS. — But you will also remember that that wasn't while I was in the Park Department.

Q. (By Mr. MATTHEWS.) I remember it. In other words, before you were in the Park Department you were in the Reformatory for obtaining money under false pretences?

A. Yes, sir.

Q. While you were in the Park Department you were conniving with contractors to defraud the city of Boston, and after you left the Park Department you went to the House of Correction for larceny. That is a fair statement, isn't it?

A. That I defrauded the city?

Q. You were in collusion with these contractors according to your own testimony, weren't you, to defraud the city?

A. Well, I came here on a summons from Mr. Lundy, who is counsel for the committee, and I told Mr. Lundy that I would make — I am not here to make any statements, but to make a good, clean confession about what happened in Marine Park, South Boston.

Q. I just want to know if I have not stated your case accurately — that before you entered the Park Department you passed a year and a half in the Reformatory for obtaining money under false pretences?

A. Yes, sir.

Q. That while you were in the Park Department you connived or conspired, according to your own testimony, with one of these contractors to defraud the city of Boston; and that since you left the Park Department you have spent some time in the House of Correction for larceny?

A. Yes, sir.

Mr. MATTHEWS. — I will suspend at this point, sir. I hope there is no question but what this witness will be on hand at the next meeting?

Mr. LUNDY. — Why is that remark made?

Mr. MATTHEWS. — I want to be sure, that is all, because I am not through with him yet.

Mr. LUNDY. — I thought it was understood that I was not through with him. I only suspended the examination.

Mr. MATTHEWS. — Then both of us are anxious to have him here.

Mr. LUNDY. — We are both anxious — and I am also anxious to have Mr. Pettigrew here, if you can have him. There is a lot this man may say that affects Mr. Pettigrew.

The hearing was adjourned at 10.40 P.M., to Thursday, March 22, at 2 P.M.

EXHIBIT NO. 2.

550 MASSACHUSETTS AVENUE,
BOSTON, NOV. 2, 1898.

ALBERT H. EICHORN,
To MARK LYNCH, Dr.

Aug. 1898. To 4 tickets — 12.73 cubic yards loam at 90c. yard $11 45

Received payment,
MARK H. LYNCH.

Paid in full Nov. 2, 1898.

EXHIBIT NO. 3.

550 MASSACHUSETTS AVENUE,
BOSTON, Aug. 23, 1898.

ALBERT H. EICHORN,
To MICHAEL LAHEY, Dr.

July. To 447.86 cubic feet — 16.58 cubic yards at 90c. yard $14 92

Received payment in full,
MICHAEL K. LAHEY.

EXHIBIT NO. 4.

BOSTON, July 30, 1898.

A. H. EICHORN,
To J. J. KELLY,
For loam delivered at Marine Park, South Boston — To 546.65 cubic yards at 90c. yard . . . $491 98½

Received payment,
J. J. KELLY, by T. P. K.

EXHIBIT NO. 5.

BOSTON, Aug. 1, 1898.

To A. H. EICHORN, Dr.
To TIMOTHY LYNCH,
Bill for loam delivered at Marine Park during month of July — 172.52 yards at 90c. . . . $155 26

	$155 26
August 6 — Paid on account .	20 00
	$135 26

Received payment,
TIMOTHY LYNCH.

EXHIBIT No. 6.

BOSTON, July 29, 1898.

Mr. A. H. EICHORN,

Loam bill,

To MARK H. LYNCH, Dr.

115 Cabot street.

For loam delivered up to July 29, 1898, for Marine Park, South Boston — 476.06 cubic yards at 90c. per yard $428 45

Received payment,

MARK H. LYNCH.

Please return receipted bill to Albert H. Eichorn, 550 Massachusetts avenue, Boston, Mass.

EXHIBIT No. 7.

COMMONWEALTH OF MASSACHUSETTS.

SUFFOLK, ss.

L.S.

At the Municipal Court of the Roxbury District of of the City of Boston, holden in said Roxbury District for the transaction of criminal business, within and for the County of Suffolk, on this twenty-ninth day of January in the year of our Lord one thousand eight hundred ninety-six. six,

WILLIAM KELLY

of said Boston, minor, nineteen years of age, defendant, is brought before said court by virtue of a warrant in due form of law, issued by said court under its seal on the twenty-eighth day of January in the year of our Lord one thousand eight hundred ninety-six, to answer to the Commonwealth of Massachusetts on the complaint under oath of Albert F. Lovell of said Boston, police officer, setting forth that he, the said William Kelly on the twenty-third day of December in the year of our Lord one thousand eight hundred ninety-five at Boston, aforesaid, and within the judicial district of said court, being a person of evil disposition, and devising and intending by unlawful ways and means to obtain and get into his hands and possession the goods, merchandise, chattels and effects of the honest and good citizens of this Commonwealth, and with intent to cheat and defraud one Timothy J. Murphy, did then and there unlawfully, knowingly and designedly, falsely pretend and represent to said Murphy that he the said Kelly was a committee from the Saint John's Lyceum Club and duly authorized to make members for said club, that if he the said Murphy would pay to him the said Kelly one dollar he the said Kelly, would make him the said Murphy a member of said club.

And the said Murphy, then and there believing the said false pretences and representations so made as aforesaid by the said Kelly, and being deceived thereby was induced by reason of the false pretences and representations so made as aforesaid to deliver, and did then and there deliver, to the said Kelly one promissory note of the amount and value of one dollar of the proper moneys, goods, merchandise, chattels and effects of the said Murphy. And the said Kelly did then and there receive and obtain the said moneys, goods, merchandise, chattels, and effects of the said Murphy by means of the false pretences and representations aforesaid, and with intent to cheat and defraud the said Murphy of the same moneys, goods, merchandise, chattels and effects.

Whereas, in truth and in fact, the said Kelly was not then and there a committee from the Saint John's Lyceum Club and duly authorized to make members for said club.

Whereas, in truth and in fact, the said Kelly did not then and there have any power or authority to make members for said club, as he, the said Kelly, then and there well knew.

And so the said Lovell, upon his oath aforesaid, doth say that the said Kelly, by means of the false pretences aforesaid, on the said twenty-third day of December, in the year of our Lord one thousand eight hundred and ninety-five, at Boston aforesaid, and within the Judicial District aforesaid, unlawfully, knowingly and designedly did receive and obtain from said Murphy the said moneys, goods, merchandise, chattels and effects of the proper moneys, goods, merchandise, chattels and effects of the said Murphy with intent to defraud the said Murphy of the same, against the peace of said Commonwealth, and the form of the Statute in such case made and provided; — which complaint is thereupon read by the Clerk of said Court in open Court, on the said twenty-ninth day of January to the said Kelly, and he, the said Kelly, is asked by the Court whether he is guilty or not guilty of the offence charged upon him in manner and form aforesaid, who pleads and says that he is guilty. And the further consideration of said complaint is continued to the fourth day of February then next ensuing; and now on said fourth day of February the said Kelly again appears before said Court, and after fully hearing and understanding the defense of the said Kelly it appears to the said Court that the said Kelly is guilty of the offence aforesaid.

Wherefore it is considered by said Court that the said Kelly for the offence aforesaid, be committed to the Massachusetts Reformatory in Concord, in our County of Middlesex, there to be kept at hard labor according to the rules of the same until he be discharged in due course of law.

Attest: FRED E. CRUFF, *Assistant Clerk.*

A true copy of the record.

Attest: FRED E. CRUFF, *Assistant Clerk.*

EXHIBIT No. 8.

COMMONWEALTH OF MASSACHUSETTS.

SUFFOLK, SS.

L.S.

At the Municipal Court of the Roxbury District of the City of Boston, holden in said Roxbury District for the transaction of criminal business, within and for the County of Suffolk, on this twenty-ninth day of January, in the year of our Lord one thousand eight hundred ninety-six,

WILLIAM KELLY

of said Boston, minor, nineteen years of age, defendant, is brought before said Court by virtue of a warrant in due form of law, issued by said Court under its seal, on the twenty-eighth day of January, in the year of our Lord one thousand eight hundred and ninety-six, to answer to the Commonwealth of Massachusetts, on the complaint under oath of Albert F. Lovell of said Boston, police officer, setting forth that he, the said William Kelly, on the twenty-second day of December, in the year of our Lord one thousand eight hundred and ninety-five, at Boston aforesaid, and within the Judicial District of said Court, being a person of an evil disposition, and devising and intending, by unlawful ways and means to obtain and get into his hands and possession the goods, merchandise, chattels and effects of the honest and good citizens of this Commonwealth, and with intent to cheat and defraud one John H. Clark did then and there unlawfully, knowingly and designedly falsely pretend and represent to said Clark that he the said Kelly was a committee from the New England Social Club, and duly authorized to appoint a medical examiner for the said club, that if the said Clark would pay to him the said Kelly one dollar, he the said Kelly would make him the said Clark a member of said club, and appoint him the said Clark the medical examiner of said club.

And the said Clark then and there believing the said false pretences and representations, so made as aforesaid by the said Kelly, and being deceived thereby, induced by reason of the false pretences and representations so made as aforesaid, to deliver, and did then and there deliver, to the said Kelly one promissory note of the amount and of the value of one dollar of the proper moneys, goods, merchandise, chattels, and effects of the said Clark. And the said Kelly did then and there receive and obtain the said moneys, goods, merchandise, chattels, and effects of the said Clark by means of the false pretences and representations aforesaid, and with intent to cheat and defraud the said Clark of the same moneys, goods, merchandise, chattels, and effects.

Whereas, in truth and in fact, the said Kelly was not then and there a committee from the New England Social Club duly authorized to appoint a medical examiner for the said club.

Whereas, in truth and in fact, the said Kelly did not then and there have any authority to make the said Clark a member of the New England Social Club, and did not then and there have any authority to appoint the said Clark the medical examiner of said club, as he the said Kelly then and there well knew. And so the said Lovell, upon his oath aforesaid, doth say that the said Kelly by means of the false pretenses aforesaid on the said twenty-second day of December, in the year of our Lord one thousand eight hundred and ninety-five, at Boston aforesaid, and within the Judicial District aforesaid, unlawfully, knowingly and designedly did receive and obtain from said Clark the said moneys, goods, merchandise, chattels and effects of the proper moneys, goods, merchandise, chattels and effects of the said Clark, with intent to defraud the said Clark of the same, against the peace of said Commonwealth and contrary to the form of the statute in such case made and provided; — which complaint is thereupon read by the Clerk of said Court in open Court on the said twenty-ninth day of January to the said Kelly, and he the said Kelly is asked by the Court whether he is guilty or not guilty of the offence charged upon him in manner and form aforesaid, who pleads and says that he is guilty. And the further consideration of said complaint is continued to the fourth day of February now next ensuing; and now on said fourth day of February the said Kelly again appears before said Court, and after fully hearing and understanding the defence of the said Kelly, it appears to said Court that the said Kelly is guilty of the offence aforesaid.

Wherefore it is considered by said Court that the said Kelly for the offence aforesaid be committed to the Massachusetts Reformatory, situated in Concord, in our County of Middlesex, there to be kept according to the rules of the same, until discharged in due course of law, from this fourth day of said February.

Attest: MAURICE J. O'CONNELL, *Clerk.*

A true copy of the record.

Attest: MAURICE J. O'CONNELL, *Clerk.*

EXHIBIT No. 9.

COMMONWEALTH OF MASSACHUSETTS.

SUFFOLK. ss.

L.S.

At the Municipal Court of the Roxbury District of the City of Boston, holden in said Roxbury District, for the transaction of criminal business, within and for the County of Suffolk, on this thirty-first day of March in the year of our Lord one thousand eight hundred ninety-nine,

WILLIAM KELLY

of said Boston, defendant, is brought before said Court by virtue of a warrant in due form of law, issued by said Court under its seal, on the thirty-first day of March in the year of our Lord one thousand eight hundred ninety-nine to answer to the Commonwealth of Massachusetts on the complaint under oath of Annie E. Harper of said Boston, setting forth that he the said William Kelly on the twenty-seventh day of October, in the year of our Lord one thousand eight hundred ninety-eight, at Boston aforesaid, and within the judicial district of said Court, with force and arms one watch of the value of twenty dollars of the goods and chattels of Annie E. in her possession being found, did feloniously, steal take and carry away, against the peace of said Commonwealth and the form of the statute in such case made and provided; which complaint is thereupon read by the Clerk of said Court in open Court on the said thirty-first day of March to the said Kelly, and he the said Kelly is asked by the Court whether he is guilty or not guilty of the offence charged upon him in manner and form aforesaid, who pleads and says that he is not guilty, and, thereof puts himself on trial; and the Commonwealth doth the like by said Annie E.

And the further consideration of said complaint is continued from time to time to the fifth day of April then next ensuing; and now on said fifth day of April the said Kelly again appears before said Court, and after hearing divers credible witnesses duly sworn to testify the truth, the whole truth and nothing but the truth, relating to the premises, and fully hearing and understanding the defence of the said Kelly it appears to said Court that the said Kelly is guilty of the offence aforesaid.

Wherefore it is considered by said Court that the said Kelly for the offence aforesaid be committed to the House of Correction, at Deer Island, situated in said Boston, there to be kept at hard labor according to the rules of the same, for the term of four months from and after the expiration of the sentence this day imposed on said Kelly by said Court, in case No. 3240 of the year 1898.

Attest: FRED E. CRUFF, *Assistant Clerk.*

A true copy of the record.

Attest: FRED E. CRUFF, *Assistant Clerk.*

EXHIBIT No. 10.

COMMONWEALTH OF MASSACHUSETTS.

SUFFOLK, ss.

L.S.

At the Municipal Court of the Roxbury District of the City of Boston, holden in said Roxbury District for the transaction of criminal business, within and for the County of Suffolk, on this twenty-fifth day of March, in the year of our Lord one thousand eight hundred ninety-nine,

WILLIAM KELLY

of said Boston, defendant, is brought before said Court by virtue of a warrant in due form of law, issued by said Court under its seal, on the twenty-eighth day of October, in the year of our Lord one thousand eight hundred ninety-eight, to answer to the Commonwealth of Massachusetts on the complaint under oath of Annie E. Harper of said Boston, setting forth that he, the said William Kelly, on the twenty-seventh day of October, in the year of our Lord one thousand eight hundred ninety-eight, at Boston aforesaid, and within the judicial district of said Court, with force and arms five promissory notes each of the amount and value of ten dollars, one pocket-book of the value of two dollars, altogether of the value of fifty-two dollars of the moneys, goods and chattels of said Annie E. in her possession being found, did feloniously steal, take and carry away, against the peace of said Commonwealth and the form of the statute in such case made and provided; — which complaint is thereupon read by the Clerk of said Court in open Court on the said twenty-fifth day of March to the said Kelly, and he the said Kelly, is asked by the Court whether he is guilty or not guilty of the offence charged upon him in manner and form aforesaid, who pleads and says that he is not guilty, and thereof puts himself on trial; and the Commonwealth doth the like by said Annie E.

And the further consideration of said complaint is continued from time to time to the fifth day of April then next ensuing; and now on said fifth day of April the said Kelly again appears before said Court, and after hearing divers credible witnesses duly sworn to testify the truth, the whole truth, and nothing but the truth, relating to the premises, and fully hearing and understanding the defence of the said Kelly, it appears to said Court that the said Kelly is guilty of the offence aforesaid.

Wherefore it is considered by said Court that the said Kelly for the offence aforesaid be committed to the House of Correction at Deer Island, situated in said Boston, there to be kept at hard labor, according to the rules of the same, for the term of four months from this fifth day of said April.

Attest: FRED E. CRUFF, *Assistant Clerk.*

A true copy of the record.

Attest: FRED E. CRUFF, *Assistant Clerk.*

FOURTH DAY.

CITY HALL, March 22, 1900.

The committee met in the aldermanic chamber, City Hall, at 2 o'clock P.M., Chairman NORRIS presiding, and all the members of the committee present.

Appearances. — Same as before.

The CHAIRMAN. — The committee will please come to order. I think, Mr. Matthews, that you had the last witness.

Mr. MATTHEWS. — Yes. I would like to make a statement before the witness takes the stand. I understand that the committee would like to have a surveyor to measure the quantities of loam in Marine Park?

The CHAIRMAN. — The committee would like to have a surveyor survey that particular place where the loam was and to make soundings.

Mr. MATTHEWS. — And we would like to send one of the park engineers with him, with the working plans. I make that as a suggestion at this time.

The CHAIRMAN. — All right, sir.

Mr. MATTHEWS. — So that, when you make your selection of a surveyor, possibly the surveyor and the engineer will be able to arrange to visit the place.

The CHAIRMAN. — They can arrange a time to go there. The counsel will proceed.

Mr. LUNDY. — Mr. Chairman, the first thing I will have to ask your committee is for a little postponement. At four o'clock I am due in the Fourth Session of the Superior Court, before Judge Richardson, to make a motion, and that will take me about twenty minutes. I will ask the consent of the committee to a discontinuance and recess at that time. It is absolutely necessary that I should be there; I have simply got to be there.

The CHAIRMAN. — What does counsel for the Commissioners say to that?

Mr. MATTHEWS. — We have no objection.

The CHAIRMAN. — And the committee has no objection. You would like to be there when?

Mr. LUNDY. — At four o'clock.

The CHAIRMAN. — We will take a recess at five minutes of four.

Mr. LUNDY. — Now, Mr. Chairman, I desire to make a statement with regard particularly to Mr. Pettigrew. You will remember that, at the beginning of the hearing, some questions were asked concerning the career of Mr. Pettigrew in Chicago. I have, naturally, made some inquiries as attorney for your committee in investigating this matter, wishing, in accordance with my own idea and the instructions given by your committee, to bring out everything that might appear to me important on one side or the other. I desire to say that I have received a letter from the Hon. John P. Altgeld, ex-Governor of Illinois, who was at the time that has been referred to connected in some capacity with the Park Department out there, in which he says that Mr. Pettigrew was removed, not on account of any charge made against him personally, nor upon any charge affecting his integrity as an official, but that certain work was to be done, which Mr. Pettigrew, in the judgment of that Commission, could not perform, because he was not a civil engineer. I simply make that statement for the information of the committee, and in justice to Mr. Pettigrew.

Mr. MATTHEWS. — Now, having made the statement, don't you think you ought to produce the letter?

Mr. LUNDY. — Why, it is a personal matter, and I simply make the statement. I will say that if counsel wishes the letter, we will have it.

Mr. MATTHEWS. — I think, if you will let me see the letter, that we might agree as to whether it it should go in or not.

Mr. LUNDY. — Well, I don't care to be put in the position that my brother seems to be trying to put me in. If you want to reject my statement, all right. I make it as a fair statement, a statement of Mr. Pettigrew's standing in Chicago. At some later time — not at the present time — I

will introduce the letter. If you would like to have testimony concerning Mr. Pettigrew introduced at this time, I will introduce it now. But I thought for the present it would be better to simply make that statement.

Mr. MATTHEWS. — Will you show me the letter.

Mr. LUNDY. — Can you conceive of any prejudice that I would have in a matter of this kind, concerning Mr. Pettigrew, that would induce me to make a statement that was not so?

Mr. MATTHEWS. — I don't know that the statement is favorable to him. I would like to see the letter.

Mr. LUNDY. — I have not the letter here, and I don't know that I would wish to produce it at this time, if you reject the statement I have made. I came here to make a perfectly fair and reasonable statement. It has been rejected on some technicality, I suppose. What is your position in the matter, Mr. Matthews?

Mr. MATTHEWS. — I want to see the letter, Brother Lundy.

The CHAIRMAN. — I think counsel should go ahead with the evidence.

Mr. LUNDY. — I understand, Brother Matthews, that you have not completed your examination of Mr. Kelly. Mr. Kelly, you will take the stand.

TESTIMONY OF WILLIAM P. KELLY. — *Continued.*

Q. (By Mr. MATTHEWS.) Where was this restaurant to which you used to go to lunch?

A. Right across from the old car stable in South Boston.

Q. Who kept it?

A. I don't remember the man's name who ran the place.

Q. Any sign on it?

A. I believe there was a bill of fare sign on it.

Q. Outside?

A. Yes, sir.

Q. How large a place was it.

A. Well, I should judge about as far as from where I am to the desk — probably larger, wider.

Q. How many tables?

A. There was a counter and there was tables on the side — I should judge about seven or eight tables.

Q. How many people would be there at lunch when you were there?

A. Well, I never counted them.

Q. Well, how many do you think?

A. Probably twenty-five or thirty.

Q. Then you don't remember the name of the man who kept this place?

A. No, I don't.

Q. Is he there still? Does he keep it still?

A. Well, I haven't been in South Boston since I got through at Marine Park.

Q. Where do you say it was, exactly?

A. Well, there is a car stable from which the cars come out to go to Boston, and directly opposite there, are two lunch rooms. There is a street running from Marine Park, running that way from Marine Park, and on the corner of that street is the restaurant.

Q. You went there every day for six weeks?

A. Yes, sir.

Q. And don't remember the name of the man who kept it?

A. No, I don't.

Q. Remember anybody else you ever saw there?

A. No, sir.

Q. Twenty or thirty people present in the room all the time?

A. I didn't know any of those who were present, outside of the Eichorns.

Q. Can you mention anybody who ever saw you there with the Eichorns, or any of them?

A. No, sir.

Q. Do you know any of the employees of the place?

A. No, sir; never saw any of the employees there.

Q. I don't mean park employees. Do you know the names of any employees of the restaurant?

A. No, sir; I do not.

Q. Now, what was the name of this gentleman for whose benefit you said you gave blank checks? Meany — Meany, wasn't it?

A. Yes, sir.

Q. What is his full name?

A. Michael.

Q. Where does he live?

A. South Boston.

Q. Where?

A. I don't exactly know just where.

Q. What was his business?

A. Contractor.

Q. What sort of a contractor?

A. Well, an ordinary contractor.

Q. What was he doing? What connection had he with this job at Marine Park?

A. He was delivering loam there.

Q. For Mr. Eichorn?

A. Yes, sir.

Q. Now, what did you give him?

A. I never gave him anything.

Q. Oh, you never gave any checks to him?

A. No, sir.

Q. Well, you gave to some one checks that he was to use?

A. I said I gave them to Mr. Eugene H. Eichorn.

Q. Made out in Meany's name?

A. They were never made out in Meany's name. All the checks delivered in that park were made out to Albert H. Eichorn.

Q. Well, what did Meany have to do with it, then?

A. His teamster.

Q. How was Meany going to get money out of this arrangement?

A. I suppose that was settled between him and Eugene H. Eichorn.

Q. Can you tell this committee how Mr. Meany was going to make anything out of this?

A. No, sir.

Q. He didn't get any opportunity to defraud the city, then.

Mr. LUNDY. — Who?

Mr. MATTHEWS. — Meany.

The WITNESS. — Well, I know he put the checks in for Mr. Eugene H. Eichorn.

Q. (By Mr. MATTHEWS.) He did?

A. Yes, sir.

Q. Checks which did not really represent teams?

A. They represented numbers of teams, yes, sir.

Q. Yes, but they didn't represent teams that actually came to the park?

A. Yes, teams that delivered loam, but days they were absent — those days those checks were given on these teams.

Q. Well, the checks that didn't represent teams were fraudulent checks?

A. Yes, sir.

Q. And those were handed in by Mr. Meany?

A. Those were handed in by Albert H. Eichorn on his bill from Mr. Meany, yes, sir.

Q. Mr. Meany was a party to that transaction, then, was he?

A. I believe he was, yes, sir.

Q. How much did those checks amount to?

A. I should judge they amounted to about thirty dollars a day.

Q. For how long?

A. I should think probably five weeks, perhaps four.

Q. $150 a week for four or five weeks?

A. I should say so, yes.

Q. And you say Mr. Michael Meany presented those checks and cheated the city of Boston out of that much money?

A. Yes, sir.

Q. You don't know where he lives?

A. Well, I believe that Mr. Albert H. Eichorn could give you his address.

Q. Do you know of any other gentleman in South Boston named "Michael Meany," a contractor?

A. No, I do not.

Q. There was only one Michael Meany on this job, was there?

A. That is all; yes. That is all, I think.

Q. Now, did Mr. Meany ever tell you about this?

A. Yes, sir.

Q. He told you he was swindling the city of Boston, did he?

A. He told me he put the checks in for Mr. Eugene H. Eichorn and that he never got a nickel out of it.

Q. Then, what he told you was that he tried to swindle the city of Boston and didn't succeed?

A. I know he delivered the checks to Mr. Albert H. Eichorn on his bill.

Q. The substance of it is that he told you one or more times that he tried to swindle the city by means of those false checks, but didn't succeed?

A. Yes, sir — for Mr. Eichorn.

Q. Yes, but he, Meany, of course, was a party to the fraud?

A. He must have been when he delivered the checks.

Q. Now, did you give anybody else any checks of the same kind?

A. No, sir; never gave any one else any checks.

Q. The only false checks you gave out were these that were to be carved up between Mr. Eichorn and Mr. Meany?

A. Yes, sir.

Q. Did Mr. Meany ever give you anything?

A. No, sir.

Q. Never gave you a bicycle?

A. Well, I didn't want two. I had one. I thought that was enough.

Q. You didn't get any money from him, then?

A. No, sir.

Q. Did you ever ask him for any money?

A. No, sir.

Q. Now, you are perfectly certain you want your testimony left in this way, that the only false checks you ever gave out on this job, according to your story, were those that Mr. Michael Meany of South Boston was to get cashed, defrauding the city for the benefit of himself and Mr. Eichorn?

A. Well, I couldn't exactly say whether he did it for the benefit of himself or not, because he never told me so. But I know he did it for the benefit of Mr. Eugene H. Eichorn.

Q. My question is this, whether you delivered anybody else any false checks?

A. I did not; no, sir.

Q. And the only false checks you had anything to do with were those that Mr. Meany was to use?

A. Yes, sir.

Q. Now, you say that you went out to see Mr. Eugene H. Eichorn?

A. I did; yes, sir.

Q. What day did you go to see him?

A. I believe it was Monday.

Q. Monday of this week?

A. Yes, sir.

(By Mr. LUNDY.) Of last week?

A. This week.

Q. (By Mr. MATTHEWS.) That is right, isn't it?

A. Yes.

Mr. LUNDY. — You mean at his office?

Mr. MATTHEWS. — Yes.

Mr. LUNDY. — I thought you meant the time he got the bicycle.

Mr. MATTHEWS. — Oh, no; recently.

Q. (By Mr. MATTHEWS.) You went to Mr. Eugene H. Eichorn's office on Monday of this week?

A. Yes, sir.

Q. And you went there, you said, because you had received a letter or a postal card from him?

A. Yes, sir.

Q. And what was it — a postal or a letter?

A. It was a postal.

Q. A postal card. Where is it?

A. I looked for the postal card and I couldn't find it.

Q. Well, that is what it was, wasn't it?
A. Yes, sir.
Q. Well, when did you get it?
A. Monday morning.
Q. Where were you when you received it?
A. We live at the rear. I was at the top of the yard, and I met the postalman.
Q. Where were you living at that time?
A. 20 Dacia street, Roxbury, Mass.
Q. 20 Dacia street?
A. Yes, sir.
Q. And is that where your father lives?
A. Yes, sir.
Q. So you were with him Sunday night?
A. I was with who Sunday night?
Q. You were home, at your father's house Sunday night?
A. Went to church Sunday night?
Q. And after you came back from church you slept at your father's house that night, Sunday?
A. Yes, sir.
Q. And Monday morning you got this postal?
A. Yes, sir.
Q. You didn't receive it in the house?
A. No, sir.
Q. Met the postman?
A. Yes, sir.
Q. What is his name?
A. I don't know.
Q. Is there more than one postman on that beat?
A. They change sometimes.
Q. Have you ever seen this man there before?
A. Yes, sir.
Q. Ever seen more than one?
A. Well, he is most generally there all the time.
Q. Where was he when you met him and he gave you this postal?
A. He was going to turn into the yard.
Q. Have any other letters with him for the house?
A. No, sir.
Q. He had nothing but this postal?
A. That is all he delivered to me; yes, sir.
Q. Anybody else present?
A. No, sir; there was not.
Q. Anybody who saw him deliver this postal card to you then?
A. No, sir.

Q. Nobody present but you and he?
A. That is all; yes, sir.
Q. And you have lost that card?
A. Yes, sir; but I shall try to find it.
Q. Yes, I think you had better. Mr. Lundy asked you to bring it here, didn't he?
A. He did; yes, sir.
Q. When did he ask you that?
A. I think it was Tuesday, I believe.
Q. When did you first see Mr. Lundy in connection with this investigation?
A. When I received the summons. I heard that Mr. Lundy was the counsel, and I went to see him.
Q. You went to see him?
A. Yes, sir.
Q. And when was that?
A. Tuesday.
Q. That is the first time you saw him?
A. Yes, sir.
Q. You mean Tuesday of this week?
A. Yes, sir.
Q. Had that postal card with you then?
A. No, sir.
Q. You never showed it to Mr. Lundy, then?
A. No, sir.
Q. He never saw it?
A. No, sir.
Q. But when you told him you had had it, he told you to be sure and have it at the hearing?
A. Yes, sir.
Q. You didn't tell him then that you had lost it?
A. No, I didn't.
Q. Told him you would bring it, didn't you?
A. Yes, sir.
Q. What did you do after you had been seen by Mr. Lundy and told by him to bring that postal here?
A. I got a summons. I had a summons, and I was supposed to be here.
Q. What did you do about the postal, I mean?
A. What did I do about the postal card?
Q. Yes.
A. Well, I didn't go home then to get the postal card—was supposed to bring it yesterday.
Q. What did you do with the postal card after the postman handed it to you?
A. I left it on a shelf in the closet.

Q. You went out of the house to get this postal card and then brought it back into the house. Is that the idea?

A. I didn't state it that way.

Q. Well, how would you state it?

A. I state that after I got through reading the postal card I put it on the shelf in the closet.

Q. Well, how did you happen to go out of the house this morning to get this postal card?

A. I didn't think I was going to get the postal, but when I am at home my father generally gets mail in the morning, and I was waiting for the postal man at the top of the yard.

Q. And you went out this morning, in accordance with your usual practice?

A. Generally used to go out, yes.

Q. And you did so on that morning, when you got the postal?

A. Yes, sir.

Q. And when you got that postal card you went back into the house?

A. Yes, sir.

Q. Anybody in the house when you got there?

A. They were all to church.

Q. Monday morning?

A. Yes, sir.

Q. What time was it?

A. Quarter past eight.

Q. Did you see anybody else that morning in the house?

A. I meant they went to church at quarter past eight.

Q. What was the time you got the postal?

A. I got the postal card about quarter of nine.

Q. The family were at church?

A. Yes, sir.

Q. And did you show this postal card to anybody?

A. No, sir.

Q. How soon did they get back from church?

A. Well, mother was the only one home, and she went to church, and there was to be a funeral service, and she waited until after that service was over, and when she came home I was gone in town to see Mr. Eichorn.

Q. And you didn't show that postal card to anybody in the house?

A. No, sir.

Q. And you haven't yet?

A. No, sir.

Q. And nobody has ever seen that postal card but the postman and you?

A. That is all.

Q. When did you get your summons from this committee?
A. Tuesday.
Q. Was that delivered at the house?
A. Well, no, it wasn't.
Q. Where did you get it?
A. I got it in the committee's room.
Q. You came down to get it, then, did you?
A. No, sir; I did not come down to get it.
Q. Well, how did you happen to come here?
A. Well, happened to take a walk around the hall, and the first thing I knew I heard there was a summons for me and I was brought into the room, and the summons was handed to me with the fees.
Q. The summons came to you about as unexpectedly as the postal card, didn't it?
A. Well, I didn't care whether I was summoned or not. It didn't interfere — didn't bother me any. When I got the summons I thought I would come and tell the truth.
Q. What did you do with the summons — take it home?
A. I have it at the present time in my possession.
Q. Show it to anybody at home?
A. Yes.
Q. To whom?
A. Father.
Q. Didn't show your father the postal card?
A. No, sir.
Q. Showed the summons, but didn't show the postal?
A. I looked for the postal card when I got home, but couldn't find it. If I could have found it I would have shown it to him.
Q. But you didn't tell him anything about it, did you?
A. I believe I told him, yes, that I had got a postal card.
Q. I thought you said a moment ago that you didn't tell him?
A. I told him when I got the summons, afterwards.
Q. Oh, you didn't tell him when you got the postal card but after you got the summons and saw Mr. Eichorn and Mr. Lundy you told your father that you got the postal card?
A. Yes. I didn't think it of any importance before, or I would have told him.
Q. Have I stated it right — when you first got the postal, before you saw Mr. Lundy and before you got any summons from this committee, you didn't say anything to your father about the postal, did you?
A. No, sir.
Q. But after you had seen Mr. Lundy here and conversed with him, and after you had been summoned by this com-

mittee, then you told your father not only about the summons, but about the postal?

A. Yes, sir.

Q. Do you think you could identify this postal clerk who delivered this card to you?

A. Could I identify him?

Q. Yes.

A. Well, he is a man —

Q. I am not asking you to describe him, but if you went down to the postoffice, do you think you could pick him out?

A. Do I think I could pick him out?

Q. Yes.

A. I think I could; yes, sir.

Q. Would he know you? Has he seen you often enough to know you?

A. Yes, sir.

Q. You don't know his name, though?

A. No, sir; I don't.

Q. How long has he been on the beat?

A. Well, on the beat ever since I knew him.

Q. Well, how long should you say that was?

A. I should judge about five years.

Q. Now, you say you wouldn't have gone to see Mr. Eichorn if it hadn't been for this postal?

A. No, sir; I never should have.

Q. You didn't hunt him up?

A. What would I want to hunt him up for?

Q. Well, you didn't?

A. No, sir.

Q Did you try to hunt anybody else up?

A. No, sir.

Q. Did you try to hunt Mr. Pettigrew up?

A. Well, I didn't go to see Mr. Pettigrew about the investigation. I wanted to see if I could get back to the park, when the park work opened — didn't try to see about the investigation.

Q. Well, you tried to hunt him up?

A. Yes, sir.

Q. When?

A. Last Saturday morning.

Q. You had already seen about this investigation in the newspapers, hadn't you?

A. No, sir; I didn't follow the newspapers up.

Q. Didn't what?

A. I don't very often read the newspapers, so I didn't see it.

Q. You mean to say that up to Saturday morning last you hadn't heard of this investigation?

A. No, sir; I didn't hear of the investigation.

Q. What brought you down to City Hall, Monday or Tuesday, then?

A. After I had seen Mr. Eichorn and heard what he had to say, I thought there might be some talk about it, so I thought I would come down.

Q. Now, who else did you try to hunt up Saturday besides Mr. Pettigrew?

A. Tried to see Mr. Shea.

Q. Anybody else?

A. I don't think so; no, sir.

Q. Did you go out to the office of the Park Department?

A. Yes, sir.

Q. Went out there Saturday, didn't you?

A. Yes, sir.

Q. Whom did you see out there?

A. I saw Mr. Timson.

Q. He is the clerk — book-keeper?

A. Yes, sir.

Q. Anybody else?

A. Another gentleman; I don't know what his name is.

Q. Did you see Mr. Pettigrew?

A. No, sir.

Q. Mr. Shea?

A. No, sir.

Q. Well, how did you try to get hold of them?

A. Well, there was a couple of men waiting for them, to get work, and they told me I might be able to meet Mr. Shea at the corner of Perkins street, and I went down and waited for him and met the boy coming up with his carriage, and he said he went into Boston to lunch, so I didn't wait any longer.

Q. Did you ring anybody up over the telephone?

A. Did I ring anybody up over the telephone?

Q. Yes.

A. No, sir.

Q. Didn't ring up Mr. Shea over the telephone Saturday last?

Q. Ring up Mr. Shea over the telephone on Saturday last?

Q. Yes.

A. No, sir.

Q. Or anybody else?

A. No, sir.

Q. You didn't tell Mr. Pettigrew or Mr. Shea that you wanted to see them?

A. No, sir.

Q. Did you make any effort prior to last Saturday to connect with Mr. Shea or Mr. Pettigrew over the telephone?

Mr. LUNDY. — I beg pardon. I want to know how far you are going into the Pettigrew matter? As a matter of courtesy I thought, Mr. Pettigrew being ill, that I would not go into the subject. Now, I would like to know how far you are going into evidence affecting Mr. Pettigrew?

Mr. MATTHEWS. — This doesn't affect Mr. Pettigrew — only this witness, that is all.

Mr. LUNDY. — I only want to know, so that I can tell how far it is going to affect the proper conduct of my case.

Mr. MATTHEWS. — This doesn't affect Mr. Pettigrew at all.

Q. (By Mr. MATTHEWS.) Did you try at any time last week to get hold of Mr. Pettigrew, Mr. Shea or anybody connected with the Park Department?

A. No, sir.

Q. Didn't ring anybody up over the telephone?

A. No, sir.

Q. Now, you admitted last night that when you finally left the Park Department you had had some disagreement there?

A. Yes, sir.

Q. Tell what that was.

A. Mr. Shea called for me, and I went over to see him. He asked me: How about the Neponset Park, Neponset Playground? And he asked me then if I could identify my handwriting. Before that I believe I told him that there were some books got by a contractor, and, furthermore, that they were delivered back, the stubs were delivered back by that contractor, and after my telling him that he asked me if I could identify my own handwriting, and I told him I could, and, furthermore, cast aside the books that were not in my handwriting. Then, after I got through talking with Mr. Shea, Mr. Shea asked me if I was willing to take a book, which he numbered in my presence, numbered in a good many places, and asked me if I would take that book to Mr. McShane, as I will state his name, and see if I could not get him or his wife to write in that book and let him send in the checks, and then he said he would have proof that Mr. McShane was defrauding the city. I took that book, and Mr. Shea then told me that I had not better leave the park. He gave me a letter to Mr. Steinebrey, telling Mr. Steinebrey not to let me go, but to keep me there.

Q. Who was Mr. Steinebrey?

A. Acting at that time as foreman of the Neponset Playground.

Q. And who was Mr. McShane?

A. He was a contractor, putting in filling there.

Q. Out in Neponset?

A. Yes, sir.

Q. Well, what happened after that?

A. I thought I would get through with the Park Department, and I never went near Mr. McShane and I never went near Mr. Steinebrey.

Q. Do you mean to say that that was all that took place that made you think you would leave the department?

A. Yes, sir; I think that was all.

Q. You weren't requested to leave?

A. No, sir.

Q. You think they are entirely satisfied with you, do you?

A. Do I think they are?

Q. Do you think they were satisfied with you at that time?

A. They didn't say they wasn't.

Q. Well, what was it that started you off suddenly to leave the department and go to New York on that day or night?

A. I didn't go to New York that night.

Q. What did you do?

A. I didn't go for a month afterwards.

Q. Well, what set you up to leave the department then, suddenly?

A. Well, I resigned — I left there, because there was other men sent to take my place, and I didn't want to go back there after I had been sent for; and, furthermore, after I went there Mr. Shea told me not to sign any names to the bottom of those coupons, do nothing but measure the loads, as when I went there. I didn't feel exactly satisfied with his statement, so I thought I would resign.

Q. You say a man was sent to take your place?

A. Yes, sir.

Q. You practically lost your place?

A. Well, Mr. Shea said he wanted to see me about something on Perkins street — I don't know what for. I went there, and there was nothing on Perkins street for me to do.

Q. They were not satisfied to leave the books with you any longer?

A. Yes, sir; they were satisfied to let me write the books if I went over there.

Q. I thought you said they took the job away from you?

A. There was another man sent there, and I went to the office —

Q. Well, if you were not discharged why did you leave?

A. Because I didn't want to go back to the park at a dollar a day, as water boy, because I could get more elsewhere.

Q. This job had previously paid you more than a dollar a day, hadn't it? How much was the Park Department paying you when you were keeping these books and these checks?

A. Paid me an average, I should judge, of between six and seven dollars and seven dollars and a half a week.

Q. And that job they took away from you, didn't they?

A. No, sir; didn't take it away.

Q. I thought you said so — that you were not willing to go back at a dollar a day?

A. I understood from Mr. Shea that if I went to work on the park I would have to go to work as a water boy, and I didn't feel exactly like doing that work.

Q. You hadn't been working in the capacity of a water boy before that, had yon?

A. I was hired as a water boy there the time when I first went to the park.

Q. You were hired as a water boy, and what were your objections to continuing as such?

A. Well, I was getting the salary of a water boy, but Mr. Shea took the responsibility on his own shoulders and let me act as a surveyor of loam or filling.

Q. Now, what was the exact reason why you left?

A. I stated before, I believe, but I can state again.

Q. You stated last night that you had had some difficulty with the department, but you have not told us what that was yet?

A. I told you about the difficulty this afternoon.

Q. What was the difficulty?

A. I said that I was not just satisfied to go to work as a water boy, and that was the only difficulty I had. That was difficulty enough on my part.

Q. That was the difficulty on your part, not on the part of the department?

A. I mean on the part of the department.

Q. You never heard any complaints about your conduct from the Park department?

A. No, sir; because they knew it would keep themselves under cover if they didn't say anything about it.

Q. Nobody complained, then?
A. No, sir.
Q. Nobody said that you had been found out and caught?
A. That I had been found out and caught?
Q. Yes.
A. No, sir.
Mr. LUNDY. — Caught at what?
Mr. MATTHEWS. — In these transactions he is talking about.
The WITNESS. — That I was caught?
Q. (By Mr. MATTHEWS.) Yes.
A. I never heard anything about it.
Q. You never heard anything about it?
A. No, sir.
Q. And you want this committee to believe that after you had been working along for six or seven weeks, or two or three months, you suddenly left this department in September, 1898, because you wanted to take a rest and were not satisfied to continue?
A. Yes, sir.
Mr. MATTHEWS. — Well, leave it that way.
Mr. LUNDY. — Is that all, Mr. Matthews?
Mr. MATTHEWS. — That is all.

Re-direct Examination.

Q. (By Mr. LUNDY.) Now, Mr. Kelly, you went to work originally as a water boy?
A. Yes, sir.
Q. And how long did you work as a water boy before you were put on other duties?
A. I worked as a water boy about three weeks.
Q. Did Mr. Shea, Mr. Pettigrew, or anybody else in the department, know that you have a criminal record before you went to work there?
A. Mr. Shea knew it after I went to work.
Q. How long after?
A. I should judge about a month.
Q. Well, to drop that for a minute, when was the first conversation you ever had with me?
A. The first conversation I ever had with you, I think, was Tuesday.
Q. And at that interview on Tuesday you came to my office, did you not?
A. Yes.
Q. And you were accmpanied by Mr. MacCallum, were you not, or Mr. Jeffery.
A. Yes, sir.

Q. And that is the first time you ever saw me one way or the other?

A. Yes, sir.

Q. Now, when did you first hear that I was counsel for this investigation committee?

A. Well I picked up the morning paper and saw something about you in it.

Q. Do you remember that I had a conversation with you about the statements you made concerning certain officials in the Park Department?

A. Yes, sir.

Q. And do you know whether I urged upon you to be positive and exact in those statements?

A. Yes, sir.

Q. And you remember that you told me that you waited upon Mr. Eugene H. Eichorn at his invitation?

A. Yes, sir.

Q. And do you remember whether I also asked you whether you got a letter or a postal card from him?

A. Yes, sir.

Q. And, as you have stated here today, you told me that you had a postal card?

A. Yes, sir.

Q. Do you remember whether or not I told you that I wanted that postal card produced here?

A. Yes, sir.

Q. And that much is certain?

A. Yes, sir.

Q. And do you recall whether or not, after you had given your testimony, I told you I would have you summoned.

A. Yes, sir.

Q. Do you recall whether or not I told you to come over to the hall and walk around the hall, and I would have you summoned?

A. Well, no, I don't think I do.

Q. Do you remember whether or not I told you to be in this neighborhood?

A. Yes, sir.

Q. Do you remember whether I told you that you would be summoned, whether you were summoned at home or down town?

A. Yes, sir,

Q. Now, as Brother Matthews has gone into it, you have mentioned a man named McShane?

A. Yes, sir.

Q. What is his first name?

A. John H. McShane.

Q. Where does he live? Do you know?

A. Coffey street, Neponset.

Q. And whether or not Mr. McShane was delivering loam at Neponset Park?

A. He was delivering gravel.

Q. Now, at any time have you seen Mr. Shea and Mr. McShane in conversation?

A. Yes, sir.

Q. And did you have charge of the loam books at the Neponset Park playground?

A. Yes, sir.

Q. Now, whose names were signed at the bottom of those stubs in your possession?

A. W. K.

Q. W. K. — what did that mean?

A. Well, the initials of my name — that is all, just the initials.

Q. Then at that time you were empowered to sign receipts by initial?

A. Yes, sir.

Q. Who gave you that power?

A. Mr. James B. Shea.

Q. Did you measure the carts that Mr. McShane sent in there?

A. On the first day I didn't, because there was nobody there the first day. He hauled in gravel, and Mr. Shea accepted the amount of loads he told him, and told me to give him the checks.

Q. Then you say the first day he (McShane) delivered gravel there it was accepted without check on direct orders from Mr. Shea?

A. Yes, sir.

Q. Do you know who made out the receipts?

A. Well, I partly did, and there was a good many other people did.

Q. Now, do you know Mrs. McShane?

A. I knew her, yes, while I was working on that park.

Q. You have seen her?

A. Yes, sir.

Q. Do you know whether or not she had any of those loam books in her possession?

A. Yes, sir.

Q. How do you know that?

A. Because I have seen her writing them off.

Q. Who handed them to her?

A. Her husband, Mr. McShane, went to the office and asked for books, and got the books.

Q. And from whom did he get the books?

A. From Mr. Timson or his son.

Q. Do you know whether or not he or she got them on an order?

A. Didn't get them on an order — simply went over and asked for them and got them.

Q. Do you remember any conversation Mrs. McShane had with Shea, or anybody else connected with the department before getting the books?

A. Well, it was Mr. McShane who got the books — rode over in his carriage for them.

Q. Do you know he got the books because you saw them in his possession, or did you see him getting the books?

A. I see him coming from the Pine Bank, and see him with the books, in the bag. I was coming to his house, and wondered why he didn't give them to me.

Q. We will drop that a minute — do you receive many letters, postal cards?

A. Quite often I get a letter; yes.

Q. Are you in the habit of telling your father, or anybody else in your family, when you get a letter?

A. No, sir.

Q. Are you in the habit of telling your father when you receive a postal card from anybody connected with the Park Department?

A. No, sir.

Q. And you wouldn't be likely to put those things in your father's keeping for safety, would you?

A. No, sir.

Q. You have had some talk with your father about the park investigation?

A. Yes, sir.

Q. Has your father's attitude upon that question towards you been friendly?

A. He told me to tell the truth, and nothing but the truth.

Q. Did your father at any time make any objections to your appearing here and testifying?

A. No, sir, he didn't, because he knew I was used wrong.

Q. Never mind what he knew — as a matter of fact, didn't some people interested in this investigation go to your house for you upon this subject?

A. Came to see me, yes.

Q. How did your father receive them?

A. He told them that the head men of the Park Department were a pack of frauds, and that they were to blame for all this business.

Q. Whether or not your father consented that you should testify here; wanted you to testify here?

A. He told me to testify and tell the truth; yes.

Q. What is your father's business?

A. He is a rug dealer.

Q. Whether or not you know the names of any of the letter carriers in the city of Boston?

A. No, I do not.

Q. Whether you ordinarily take the trouble to find out the name of a man who delivers you a letter?

A. I never do, no, sir.

Q. To come back to McShane and Shea, this was in what year?

A. 1898.

Q. What time in 1898?

A. The month of September.

Q. And at this time there was work going on in connection with the depositing of gravel and other stuff at Neponset?

A. Yes, sir.

Q. Now, how long did Mr. McShane continue to bring loads of gravel or other filling there?

A. Well, he was stopped at one time and went over to Mr. Pettigrew and Mr. Pettigrew and him had some kind of a —

Q. Never mind that, what Mr. Pettigrew and Mr. McShane had. Confine yourself exactly to what you know.

A. What is the question?

Q. Did you ever have any conversation with Mr. McShane?

A. Yes, sir.

Q. About the matter of his delivering loads?

A. Yes, sir.

Q. And where did you have that conversation?

A. On the dump and in his house.

Q. Where is his house?

A. He lives on Coffey street.

Q. Why did you go to his house?

A. Because he asked me to go to dinner.

Q. What time of the day did he invite you to go to dinner?

A. Between 12 and 1.

Q. How many times did you go to dinner at Mr. McShane's house?

A. A number of times — during the time I was over there.

Q. Who was at dinner there?

A. His wife, the servant girl, and a couple of men working for him.

Q. The servant girl dined with him?

A. Yes, sir.

Q. She ate at the same table?

A. Yes, sir.

Q. Did Mr. McShane ever have a conversation with you at his dinner table?

A. No, sir.

Q. Ever have any conversation with you at his house regarding loam books?

A. Yes, sir.

Q. Now, to take the first conversation you had — do you remember the substance of that?

A. Do I remember the substance of it? Yes.

Q. And what did Mr. McShane ask of you or request you? What did he say to you the first time?

A. He told me — he stated that he never delivered those 30 loads of gravel on the first day, and he said that Mr. Shea was a friend of his, and that if I kept on giving him tickets there would be no fault found about it.

Q. Whether or not Mr. McShane ever offered you any money?

A. He did, yes.

Q. Now, on how many occasions?

A. Well, I should judge about once a week, when I was there.

Q. As you remember, what was the first offer he made you in money?

A. $2.

Q. And you accepted that?

A. I did, yes,

Q. And after your accepting that first $2 from Mr. McShane, what was the next offer — how much?

A. Labor day he gave me $5.

Q. For what purpose?

A. To have a good time, he said.

Q. Did you ask him for them?

A. No, sir.

Q. What did he say to you when he gave you the $5.

A. Told me to take the $5 and enjoy myself.

Q. Did McShane ever say that you had done anything for him that entitled you to $5?

A. He did, yes, sir.

Q. You have testified that Mrs. McShane had certain blank books which she filled out?

A. Yes, sir.

Q. Did you ever see any of those books after they had come out of the possession of Mrs. McShane?

A. Well, I have seen some books in the house.

Q. You mean Mr. McShane's house?

A. Yes, sir.

Q. What books have you seen there?

A. I have seen about five or six books. I never got the books.

Q. What kind of books did you see in the house? What description?

A. Well, a red book, a red covered book.

Q. Is that the ordinary book you had been handling?

A. Yes, sir.

Q. And that red covered book usually contains what?

A. It contains the coupons that go with the loads.

Q. That go with the loam?

A. Yes.

Q. Now, have you any idea how many loads of loam Mr. McShane actually delivered there in a day, on an average?

A. Well, he used to deliver about, I should judge, 60 loads a day.

Q. And have you any idea, on an average, how many loads a day he was credited with, more or less?

A. Well, when I went over to the Pine Bank to examine those books I found on a couple of books that there were some teams credited with all of about 25 loads a day, that was wrote in Mrs. McShane's handwriting.

Q. And could you at the present time identify Mrs. McShane's handwriting?

A. I think I could, yes.

Q. Now, when you delivered up these books to Mrs. McShane, what was your idea?

A. I never delivered any books to Mrs. McShane. Mr. McShane delivered them to her, to write off.

Q. And at any time after that did those same books come into your possession?

A. Never.

Q. But you do know, as a matter of fact, that they were used?

A. The stubs were taken back to the Pine Bank and received from Mr. McShane.

Q. And you know that, you say, because you saw the same books at Pine Bank?

A. Because I saw the books at Pine Bank; yes, sir.

Q. How did you come to see those books at Pine Bank?

A. Mr. Shea said if I would examine the books and throw aside what was in my handwriting, he would like to have me.

Q. Did Mr. Shea say at the time that he wanted you to examine those books why he wanted you to examine them?

A. He did not; no, sir.

Q. Did Mr. Shea, during the conversation with you, make any comment on Mr. McShane's dealings with the department?

A. He told me he believed McShane was defrauding the city.

Q. Wait until I put this question. Have you stated that Mr. Shea at one time instructed you to give credit for anything to Mr. McShane?

A. He did, yes, sir,

Q. Is that the statement you have made?

A. Yes, sir.

Q. And do you now make the statement that later Mr. Shea called you in to verify the accounts of Mr. McShane?

A. Yes, sir.

Q. Now, while Mr. Shea was talking to you on that subject what did he have to say about Mr. McShane defrauding the city?

A. He said that somebody defrauded the city, and that there was so many handwritings in the book that he didn't know as he could find anyone guilty at the present time, but he told me if I would take that book which he gave me and get Mrs. McShane's handwriting in the book that it would convict Mr. McShane.

Q. Did Mr. Shea ever offer you any money?

A. He never offered me any money.

Q. Did he ever speak to you about money?

A. Asked me if I ever got any money from Mr. McShane.

Q. What did you say to him when he asked you that?

A. I told him I did.

Q. How much did you tell Mr. Shea that you received from Mr. McShane?

A. Told him I received $2 one time and $5 another time, and that he used to give me a couple of dollars occasionally.

Q. Did you ever make any complaint of Mr. Shea at all when you were doing this work, before this time you were called to Pine Bank?

A. The first day I told Mr. Shea that I was not satisfied to give him the tickets for those 30 loads.

Q. Give whom the tickets?

A. Mr. McShane.

Q. What did Mr. Shea tell you, when you made that complaint?

A. Mr. Shea told me that he ordered me to do it, and to do so.

Q. Now, were all the coupons, checks, stubs that you have described there, delivered at Pine Bank, signed by your initials?

A. All the books were not delivered by me; no, sir.

Q. Do you know of anybody else who was keeping tally on loam?

A. There was a boy there, yes. He came after Steinebrey came.

Q. What was his name?

A. Terence Griffin.

Q. Now, what did Terence Griffin know about the McShane transaction?

A. He heard about him.

Q. Was Mr. McShane delivering loam at the time you left there?

A. No, he was not — he was told not to put any more gravel in there.

Q. How do you know he was told not to put in any more gravel?

A. Because Mr. McShane told me so himself.

Q. Mr. McShane himself told you that he was ordered not to deliver any more gravel?

A. Yes, sir.

Q. Do you know whether or not Mr. McShane was working under a contract?

A. He was not.

Q. Do you know that?

A. Yes, sir.

Q. Who told you that?

A. Because there was other contractors that brought in stuff there.

Q. I understand, but a dozen might do that and all be under contract. How do you know he was not under contract to deliver a certain amount of gravel?

A. For the simple reason that no appropriation was made for that contract.

Q. You were following the appropriations at that time?

A. I was told by Mr. Shea that there was no appropriation and that nobody was under contract.

Q. How often did you talk with Mr. Shea?

A. He used to tell me, instruct me what to have done there.

Q. Who gave you your position as water boy in the Park Department?

A. James B. Shea.

Q. How did you come to know Mr. Shea?

A. Got a letter to him.

Q. Who from?

A. "Mitch" Galvin.

Q. Mr. J. Mitchel Galvin, at one time City Clerk?

A. Yes, sir.

Q. Did you know Mr. Galvin pretty well?

A. I never did, no, sir.

Q. Do you know whether Mr. Galvin knew Mr. Shea pretty well?

A. Yes, sir.

Q. Then you wish to say that Mr. Shea took you upon this letter of recommendation that you brought from Mr. J. Mitchel Galvin?

A. Yes, sir.

Q. Now, how long after you had actually started to work as a water boy did Mr. Shea or anybody else put you to work on some other duties?

A. I believe Mr. Jeffrey could tell the time when the first load of loam came in. I don't remember exactly when I was put on.

Q. But you had been working a little while before they made you a tallyman?

A. Yes, sir.

Q. To come back to Marine Park a moment, how often did Mr. Shea appear at Marine Park?

A. He never appeared at Marine Park.

Q. But Mr. Pettigrew did?

A. I see Mr. Pettigrew about four times at Marine Park while I was there.

Q. Now, this restaurant in South Boston, — did you pay any particular attention as to who was dining there when you were there with the Eichorns?

A. No, sir.

Q. And whether or not you frequently dine in restaurants?

A. I would have carried my dinner, only for the Eichorns volunteering to pay for it.

Q. Now, is there any other contractor you had anything to do with while you were in the Park Department?

A. No, sir.

Q. Are there any other officials you have had conversations with, besides Mr. Shea?

A. I have talked with Mr. Pettigrew.

Q. Aside from that — cut that out for the present — anybody else?

A. No, sir.

Q. Now, Mr. Matthews has asked you about some difficulty — I refer to this directly now to save time. Was there any other difficulty than what you have testified to when you quitted the Park Department?

A. I told Mr. Shea in the office that I didn't want to go to work at Neponset again, on account of Mr. McShane having his wife to write off the books; and, furthermore, that if he wanted to keep me I supposed I would go to work as a water boy, and I didn't want to work for that salary. That is all.

Q. At that time didn't you realize that you were assisting somebody to steal something?

A. I was instructed to do so.

Q. I am not asking you the question whether you were instructed to do so or not — didn't you understand at that time that you were engaged in work that was illegitimate?

A. No, sir; I did not understand.

Q. You knew that Mr. McShane wasn't entitled to these checks, didn't you?

A. On 30 loads?

Q. On any number of loads?

A. I took Mr. Shea's word on that, and gave 30 loads on his orders.

Q. But you had some doubt about it?

A. Yes, sir.

Q. Even with Mr. Shea's instructions?

A. Yes, sir.

Q. Who was foreman at Neponset?

A. I was. (Laughter.)

Q. You were?

A. Yes, sir.

Q. How many men did you have under you?

A. I had two men. (Laughter.)

Q. And how many men were engaged there other than the two men you had under you?

A. Only the teamsters that brought the stuff there, that is all.

Q. Now, just to get into this humorous feature, have you known personally of any men in the Park Department receiving foremen's pay who had as few men as two under them?

A. I never did, no, sir. Well, when I went through the park with a sub-foreman, yes.

Q. With a sub-foreman?

A. Yes, sir.

Q. Then when you make the statement that you acted as foreman there, it isn't anything funny, is it?

A. It is the candid truth.

Q. And you did actually supervise the work of two men?

A. Yes, sir.

Q. Who were those two men?

A. One of their names was James Hurley. That was one name, and at the present time I don't remember the other man's name.

Q. Well, what did James Hurley do under you?

A. He levelled the gravel.

Q. Well, how much of an area of gravel did you have to superintend?

A. Well, I should judge there was about seven acres.

Q. And you had to personally superintend that?

A. I did, yes.

Q. And you had two men under you engaged in levelling that?

A. Yes, sir.

Q. Did you have any personal talk with Mr. McShane?

A. I did not have any personal talk with Mrs. McShane. What talk I had was with Mr. McShane.

Q. Now, did Mr. McShane ever have any talk with you about the subject of these loam checks?

A. After I was discharged, or after I left the Park Department, Mr. McShane — I met Mr. McShane one time on Washington street, I should judge about four weeks ago, and he says to me: "Why, I got out of that fine." He says: "I went up and made a settlement," he said, "with the Superintendent of the Park Department, and," he said, "I made about $300 on that job over what was coming to me."

Q. Where did you meet Mr. McShane?

A. On Washington street.

Q. How long were you talking with him?

A. I should judge about twenty minutes.

Q. You stopped Mr. McShane or he stopped you?

A. He stopped me.

Q. Did you have any talk with Mr. McShane about the Park investigation?

A. The Park investigation I didn't know anything about at that time.

Q. Now, have you had any talk with Mr. Shea since this Park investigation started — since it was rumored?

A. No, sir.

Q. Have you made any effort to get at Mr. Shea?

A. I was going to ask him if I could get back as a water boy when the men went on full time. I went up last Saturday morning to see him, but didn't see him.

Q. Was that your only object — trying to see Mr. Shea?

A. Yes, sir; that is all.

Q. And you didn't meet Mr. Shea, but saw his buggy and the boy driving the buggy?

A. Yes, sir.

Q. Did you make any effort to see Mr. Pettigrew, beyond calling there?

A. When I found I couldn't see Mr. Shea I asked if Mr. Pettigrew would be there.

Q. Did you see Mr. Timson?

A. Yes, sir.

Q. Talk with him.

A. No, sir.

Q. Did you ever have any talk with Mr. Timson about the loam books.

A. No, sir.

Q. So far as you know, Mr. Kelly, did Mr. Timson have charge of the loam books?

A. Yes, sir.

Q. Have you seen him personally handling loam books?

A. Yes, sir.

Q. On how many occasions have you seen him handling them?

A. When the contractors would send in their bills he would have to go all over the stubs and the duplicate checks they would send in.

Q. Now, do you know this personally?

A. Do I know it? Yes, sir.

Q. I want to make myself clear about it. Do you know it as a matter of system, or did you see him go over the books?

A. I see him.

Q. How did you happen to be at Pine Bank?

A. There was nothing to do, as I understood from Mr. Steinebrey, and Mr. Shea heard the talk that I was acting as a foreman over in Neponset, and, as I understood, so as to have that talk stopped, he put Mr. Steinebrey over there. When Mr. Steinebrey came over there, Mr. Steinebrey sent me over with the time. He undertook to act as foreman, and

he sent me over with the time book. When I went over there I saw Mr. Timson and I seen Mr. Timson's son examining checks and bills, and I also seen him examining the bank stub-books.

Q. Now, how many of the bills that you examined last night, which you testified that you made out in the name of different contractors, were made out in the shanty in South Boston?

A. There was one bill made out for Mark Lynch in the shanty; there was another bill made out for Timothy Lynch in the shanty. That is all I believe that I could say I made out there.

Q. Some of the bills you testified that you made out in the houses of the contractors. Is that so?

A. Yes, sir.

Q. Do you recall at this time in whose house you made out any bill?

A. Yes, sir.

Q. Whose house?

A. A man named Kelly.

Q. J. J. Kelly?

A. I am not exactly sure whether it was J. J. Kelly or not. I believe there were two contractors by the name of Kelly bringing in loam.

Q. But one of the contractors delivering stuff at Marine Park?

A. Yes, sir.

Q. You went to his house?

A. Yes, sir, with his son Thomas, who drove me over in a buggy.

Q. To make the bill out?

A. Yes, sir.

Q. Did you understand that there was any reason why you should make the bill out?

A. He told Mr. Eichorn that he couldn't make the bill out, and Mr. Eichorn asked him if he would give me $5 if I would make the bill out, and he said he would. After I made the bill out Mr. Kelly didn't want to pay me the $5, and Mr. Eichorn told Mr. Kelly that unless he paid me the $5 he wouldn't be paid his money unless he did.

Q. Where did Mr. Eichorn make that statement?

A. In the shanty.

Q. In whose presence?

A. I think Mr. Abbott was there at the time.

Q. Whether or not you know that Mr. Kelly's son Thomas could write?

A. I can't just exactly say whether he could write or not.

Q. Well, how old a man is Thomas Kelly, the son of this Mr. Kelly?

A. I should judge 27 or 28 years of age.

Q. And he appeared to be fairly well educated, did he?

A. He did; yes.

Q. Now, when you went to the house of this Kelly, or whoever you went to, you had some idea of why you were sent over there to make out the bill?

A. Well, simply as Mr. Eichorn stated to me before I went over there. They told him that they didn't know how to make out the bill, and told them that I could do so.

Q. Well, he told Mr. Eichorn so in advance of the time for the making out of the bill —

Mr. MATTHEWS. — Ask what was said.

Mr. LUNDY. — Very well.

Q. (By Mr. LUNDY.) What did Mr. Eichorn tell you at the time when you went over to Mr. Kelly's house?

A. Asked me if he gave me the money for making out the bill.

Q. Did Mr. Eichorn tell you that Mr. Kelly would pay you for making out the bill?

A. Yes, sir, and that he wouldn't get his money unless he did so.

Q. Do you know of any reason why Mr. Kelly should pay you for making out the bill?

A. I didn't want to work over hours at his place, any more than for anybody else, without pay.

Q. Did you consider $5 at that time to be a fair price for making out a single bill?

A. No, I did not.

Q. Then whether or not you knew there was something more than the mere clerical work that called for the $5?

A. Well, no — the bills that I made out for these contractors, Mr. Eichorn told me himself that he never examined them.

Q. Did any contractor ever ask you to make out a bill for him before Mr. Eichorn had asked you to make out that particular bill?

A. No, sir.

Q. That is, whether or not it is a fact that the bills made out for any of these contractors were made at the direct request of Mr. Eichorn?

A. On his request, yes, sir.

Q. What Eichorn was this — Albert H. or Eugene H.?

A. Albert H.

Q. And he is the man who was delivering the loam?

A. Yes, sir.

Q. How much did you see of Mark Lynch over in Marine Park? How often did you see him?

A. Well, he used to come over there about twice a week.

Q. Ever have any talk with Mark Lynch about these loads he was delivering?

A. No, sir.

Q. Any talk with Mr. Shea or anybody else about these loads?

A. No, sir.

Q. Have you any personal knowledge whether or not the loads Mark H. Lynch delivered were exact?

A. Well, I think what loam Mr. Lynch put into the park was all right.

Q. Why do you say that?

A. Because on several occasions I measured his teams.

Q. Well, you didn't measure his teams on every occasion, did you?

A. No, sir. But some of his teams used to come in there between the hours of 11 and 12, and between those times I used to measure the teams.

Q. Haven't you testified that between the hours of 11 and 12 you were sometimes out sailing?

A. No, sir. I said I went out sailing in the afternoon with Mr. Eichorn.

Q. What time in the afternoon?

A. Well, between half-past three and four o'clock.

Q. Would you know this man Kelly if you saw him — the contractor for whom you made the bill?

A. Yes, sir.

Q. You have testified that you went to the house of Albert H. Eichorn on Massachusetts avenue, haven't you?

A. That I went to Albert H. Eichorn's house? No, sir; I have not testified to that.

Q. You have never been to his house?

A. I was to his house at one time.

Q. And where is his house near — near what street, if you remember it?

A. Well, it is really old Chester Park, used to be.

Q. I understand, but Massachusetts avenue runs all through there. Now, do you remember what part of old Chester Park, or Massachusetts avenue, this particular house is?

A. Yes, sir; between Shawmut avenue and Tremont street. 550 is the number — I think that is the number.

Q. Now, did Mr. Eichorn have an office at his house at that time?

A. No, sir.

Q. Do you know where he had his office at that time?

A. I don't know as he ever had an office.

Q. Well, you are certain that he did not have one at his house at that time — that is, not any visible to you?

A. Well, he said he used to write his books off in the house, but he never had any particular office there.

Q. At this time when you went there, did you see anybody of Mr. Eichorn's family?

A. I saw his brother Fred at the time I went there, yes, sir.

Q. Do you know whether or not Fred lived at the house at that time?

A. Yes, sir; he did.

Q. Do you know anybody else who lived at the house with Mr. Eichorn at that time?

A. His father and mother.

Q. How did you know that?

A. He told me so.

Q. Did you see them there?

A. No, sir — saw his sister there.

Q. How long a time did you stop at his house when you went there on that occasion?

A. I stayed there just about ten minutes.

Q. What was your object in going there?

A. Well, he had some tickets for a picnic, and he gave me the tickets and $2 along with the tickets.

Q. What picnic was it?

A. It was Father Cummins' barbecue.

Q. And is that the only picnic for which he ever supplied you with tickets?

A. Gave me $2 to go to the Working Boys' Home picnic.

Q. This is Albert H. Eichorn?

A. Yes, sir.

Q. At the time when you got $2 from him did you get anything from Eugene?

A. No, sir.

Q. Did you ask Eugene for anything?

A. He wasn't there at that time.

Q. Wasn't at the park?

A. No, sir. He was off with Mr. Abbott at that time, and when Mr. Abbott got back I asked Mr. Weidener if I could get off and he said "yes," and Mr. Eugene Eichorn was not there.

Q. How often did you see Abbott and Weidener together?

A. They were together about every day.

Q. Did they appear to you to be familiar?

A. Yes, sir.

Q. Were they together more than it appeared to you to be the duty of the foreman, and — what was Mr. Abbott's position?

A. Acting as surveyor.

Q. Tallyman?

A. Surveyor. That is what he was acting as.

Q. Now, I will repeat the question; did it appear to you that they were together more than the duties of their respective offices called for?

A. I believe they were; yes, sir.

Q. Did you see these men drink together?

A. I believe Weidener never drank, but I have seen signs of liquor on Abbott.

Q. Why do you believe Weidener never drank?

A. Because I never saw the signs of liquor on him.

Q. Did you know a man named Anthony Connolly?

A. No, sir.

Q. Knew no man named Connolly who ever worked in that gang at that time?

A. Yes, sir; I believe one man named Anthony Connolly worked over there, but I was not familiar with him.

Q. Do you know whether a man named Martin Connolly worked there?

A. No, I do not.

Q. Do you recall whether or not Mr. Weidener's boat was painted while you were over there?

A. I believe it was painted while I was there.

Q. State whether or not you know it was painted while you were there?

A. Yes, I think it was.

Q. Did you see anybody painting the boat?

A. I heard of some of the remarks—

Q. Never mind what you heard. Did you see anybody painting the boat?

A. No; I did not.

Q. Well, did you see the boat while you were there with a fresh coat of paint on it?

A. Yes, sir.

Q. Now, do you recall what part of the summer that was in?

A. I think it was in July?

Q. Did Mr. Weidener ever tell you where he got that boat — I mean the sail-boat?

A. No, he never did.

Q. Did you ever sail in the big boat?

A. I sailed in the dory, the boat that belonged to the Park Department.

Q. I understand that, you testified to that, but did you ever sail in the big boat, the larger boat, owned by Mr. Weidener?

A. Yes, sir; I did once or twice.

Q. What is a description of that boat? What did it look like?

A. An ordinary sail-boat.

Q. A cat-boat — or did it have a bowsprit in it?

A. Yes, sir.

Q. How long a boat?

A. I should judge that it might be about eight feet long, probably longer.

Q. As far as from you to the Chairman, or from to the head of the table here?

A. Yes, sir, just about that.

Q. How much time did you see Mr. Weidener spend in that boat?

A. Well, I see Mr. Weidener go out in the boat once while I was working over there in the daytime.

Q. Was Mr. Weidener's son working there when you went to work?

A. Yes, sir.

Q. And he was rated as a tally boy — water boy?

A. He was rated as a water boy — should have had nothing to do with the tallying of the loads at all, because he was there as a water boy.

Q. Never mind about that. Did he, as a matter of fact, do any of the duties that fall to a tally man?

A. He did, yes, sir.

Q. And did he measure loam?

A. On certain occasions, yes.

Q. How often?

A. Well, he might take the rule once in a while during the day.

Q. Did he record the measurements of loam?

A. Recall them?

Q. Record them in this book?

A. Yes, he did.

Q. Whether or not you and young Weidener divided the duties of recording these loads?

A. He used to take the books sometimes and record them, but I used to do it almost all the time.

Q. What was he doing, as far as you know, while you were recording?

A. Riding around the park on his bicycle.

Q. While he was recording what were you doing?

A. I was in the shanty, making out other loam books.

Q. For whom?

A. Writing out ahead, so that the books would be ready when they were needed.

Q. Writing signatures, you mean?

A. Yes, sir.

Q. Whose signatures did you write ahead of time?

A. Mr. J. J. Abbott's.

Q. And you were authorized to sign the name of J. J. Abbott to blank checks?

A. Yes.

Q. Who authorized you?

A. The Superintendent of the Park Department, Mr. James B. Shea, and Mr. Weidener.

Q. Did young Weidener ever write any signatures ahead?

A. Yes, sir.

Q. How do you know that? Did you see him do it?

A. Yes, sir.

Q. Now, do you know of Mr. Abbott ever writing any of his own check-books, ever signing his own name?

A. Yes, sir.

Q. Well, how much?

A. Well, if there was no teams coming in there he used to take and sign his own initials.

Q. If there were no teams coming there?

A. Once in a while it used to get slack, no teams coming in.

Q. And at times when it was slack he used to sign his initials?

A. Yes, sir; and that is the only time he did it.

Q. When you signed Abbott's name, did you do it by initials or give the full name?

A. Just initials — "J. J. A."

Q. Well, did any of those check-books show the full name of J. J. Abbott?

A. I believe some of them will. I am not sure.

Q. Do you know that he signed the full name in any of those books?

A. I don't know whether the full name is there or not — couldn't state positively.

Q. Were you ever at Mr. Weidener's house?

A. No, sir.

Q. Do you know where he lives?

A. No, sir; I do not.

Q. Do you recall any conversation you ever heard between Mr. Weidener and Mr. Eichorn upon the subject of loam?

A. On one occasion, I do, yes.

Q. Do you remember any talk of money between Mr. Weidener and Mr. Eichorn?

A. I do, yes.

Q. Now, state where that conversation took place.

A. It was in the shanty.

Q. Well, which Eichorn was this — Eugene or Albert?

A. It was Mr. Albert H. Eichorn who was there at the time.

Q. What did Albert H. Eichorn say to Mr. Weidener — or what did Mr. Weidener say to Mr. Eichorn in your presence?

A. Mr. Weidener told Mr. Eichorn that he thought it wasn't just fair for him to go down at night after his work was over and measure the scows, and he said he thought Mr. Eichorn should pay him for doing so.

Q. That Eichorn should pay Weidener for measuring Eichorn's scows?

A. After hours, yes, sir.

Q. Do you know whether or not Mr. Weidener did ever measure a scow?

A. He did, yes. He measured all the scows.

Q. Do you know personally whether or not Mr. Wiedener ever measured anybody's scow after dark?

A. He did, yes.

Q. How do you know that?

A. Because he said he used to take a lantern down to do it with.

Q. You never saw him measuring?

A. On one occasion.

Q. What time of night was that?

A. It was about six o'clock?

Q. Well, how did he measure that scow?

A. Well, he used to take an iron rod and take the centre first. Then he would take the depth there. Then he would take one end, and after he got that depth he would take the other end.

Q. Well, was that the ordinary way of measuring the scow?

A. No, sir.

Q. Well, how does it differ from the ordinary method?

A. Well, it was kind of hard, I suppose, for him to get at, and he had to use the iron rod — but, if I may be allowed to be plain, I would state that I don't believe Mr. Weidener did know how to measure a scow.

Q. Well, do you claim now that you can measure a load of loam?

A. Do I claim so?

Q. Yes?

A. I certainly can.

Q. Did you understand how to do it before you went into the Park Department?

A. I understood cubic measure, yes.

Q. Where did you learn that?

A. At school.

Q. Is there anything in addition to what you learned in school that you learned in the Park Department?

A. Yes, sir; I did. I learned how to use the rod — that is all.

Q. Well, as far as any actual measurements you ever made are concerned, were they exact?

A. I believe all the measurements I made were correct.

Q. Well, whether or not you intended them to be correct?

A. I always intended the measurements to be correct.

Q. Did you at any time undertake to defraud anybody in the matter of measuring?

A. No, sir.

Q. Now, to come back to the conversation in the shanty, what did Mr. Eichorn say when Mr. Weidener told him he thought he ought to pay him for measuring after dark?

A. Mr. Eichorn said he was paying Mr. Abbott his salary and Kelly his salary, and he didn't think he should be entitled to pay the foreman's salary also.

Q. You are pretty distinct on that statement, are you?

A. I am positive of it, because I know of the salaries of Abbott and myself being subtracted from Mr. Eichorn's bill when he received his money.

Q. You got a salary from the Park Department, didn't you?

A. I was supposed to be paid by the Park Department, but the Park Department told Mr. Eichorn that he would have to pay for the services of me and Mr. Abbott. Mr. Eichorn told me that himself.

Q. How do you know that?

A. Mr. Eichorn told me so.

Q. On an average, during a week, how much more than the salary supplied you by the Park Department did you receive?

A. Well, I received my pay from the Park Department.

Q. And that was how much a week?

A. Well, I used to make — I can't just exactly give it in a minute.

Q. On the average, I mean, just as near as you can come to it?

A. About $7.50 a week.

Q. About how much money would you take in from different sources Saturday night, as near as you can come to it?

A. Well, Mr. Eugene H. Eichorn used to give me some money on Saturday night.

Q. Ever take home as much as $10 a week?

A. Yes, sir.

Q. For your services in the department?

A. You mean paid by the city?

Q. By anybody — did all you got, from Mr. Eichorn, the city, and anybody else, amount to $10 a week?

A. Yes, sir.

Q. Ever amount to more than that?

A. On one occasion, yes, sir.

Q. How much more did it amount to on that occasion?

A. Well, I got my pay, and that came to about $7.50, and I remember of getting $7 from Mr. Eichorn along with it — Mr. Eugene H. Eichorn.

Q. That is Eugene H.?

A. Yes, sir.

Q. Not the man who had this conversation with Weidener?

A. No, sir.

Q. But his brother?

A. Yes, sir.

Q. Now, do you know why that loam should have been measured at night?

A. It should not have been measured at night.

Q. Now, do you know any reason why he measured it at night?

A. Mr. Weidener claimed that he had too much work to do in the morning; Mr. Meany had teams there to take the loam off the lighters, and Mr. Meany asked Mr. Weidener, by special request, if he would measure the scow, and Mr. Weidener took the lantern down and measured the scow.

Q. Mr. Meany asked him to?

A. Yes, sir.

Q. Did you ever hear Mr. Meany ask that Weidener be given extra pay for measuring at night?

A. No, sir.

Q. Ever see Mr. Meany in conversation with Mr. Eichorn?

A. Yes, sir.

Q. How often?

A. Every day.

Q. Ever hear any conversation between Weidener, Eichorn and Meany?

A. Together?

Q. Yes, sir.

A. Used to see them talking.

Q. Ever hear any conversation on the subject of loam between those men?

Mr. MATTHEWS. — Excuse me, Mr. Lundy. Have n't you been all over this last night?

Mr. LUNDY. — Well, I think not.

Mr. MATTHEWS. — I thought you had.

Mr. LUNDY. — I am now covering a few of your tracks, brother Matthews.

Q. (By Mr. LUNDY.) You worked under Mr. Jeffery, did n't you?

A. Yes, sir.

Q. And where was that?

A. In Franklin Park and in Bussey Park.

Q. And how long did you work under him at Franklin Park?

A. Well, I should judge I was with Mr. Jeffery altogether about four months.

Q. And whether or not you went to work under Mr. Jeffery as a water boy?

A. I went to work under Mr. Jeffery as a water boy.

Q. And whether or not, while under Mr. Jeffery, you ever did anything else but be a water boy?

A. Took and used to write off the checks.

Q. And who was responsible for the checks that you wrote there?

A. Well, Mr. Peter Dolan used to always sign his own name until we got rushed, and then it was allowed that I should sign his name to the bottom of the check.

Q. Ever see Mr. Dolan in Franklin Park?

A. What Dolan do you mean?

Q. Mr. James Dolan.

A. I did, yes.

Q. And what did Mr. Dolan do there?

A. He was the contractor. He used to see that the teams went in all right.

Q. Did you know Mr. King there?

A. Yes, sir.

Q. What did King do?

A. He used to come around and see that everything was going all right.

Q. Now, whether or not you ever assisted Mr. Dolan or took any part in measuring teams with Mr. Dolan in Franklin Park?

A. Mr. Dolan always used to measure the carts himself in Franklin Park.

Q. And whether or not those carts were with sides or without sides?

A. I believe those carts were always up to the standard.

Q. I am asking the question now, if they did have sides?

A. Yes, sir; they did have sides.

Q. You never measured any of those carts?

A. No — I might have measured a few, but not to amount to anything, not to amount to a great deal.

Mr. LUNDY. — That is all at this time, Mr. Chairman.

The CHAIRMAN. — Does any member of the committee desire to ask the witness any question?

Mr. MATTHEWS. — Brother Lundy has a habit of examining a witness for two or three hours at a stretch, and then saying "That is all at this time." Now, I thought the direct examination of this witness was through yesterday, that the witness had been exhausted, at least, and now to-day brother Lundy has gone over the whole business again; and he now dismisses the witness with the statement, couched in the usual language, that he is through with him for the present. I think he ought to finish with a witness, asking all the questions he has to ask him, and then go on with a new witness.

Mr. LUNDY. — Mr. Chairman, I think the stenographer's report will bear me out when I say that I have not gone over this ground previously. I did not say at any time last night that I had concluded the examination of this witness.

Mr. MATTHEWS. — Well, cannot you conclude it now? That is my point.

Mr. LUNDY. — Mr. Matthews himself has raised an objection to anything that concerns Mr. Pettigrew.

Mr. MATTHEWS. — Well, you can ask this witness anything about Mr. Pettigrew, or anything else.

Mr. LUNDY. — Then you tell me at this time you are willing to drop the arrangement concerning Mr. Pettigrew and to continue with witness after witness upon matters that may concern him?

Mr. MATTHEWS. — I want you to go on with this witness and finish with him.

Mr. LUNDY. — That I do not intend to do.

Mr. MATTHEWS. — If this witness has anything to say in regard to Mr. Pettigrew, let him say it. I will not consider it an interference with our arrangement.

Mr. LUNDY. — Then you are ready to open up this whole matter, as far as Mr. Pettigrew is concerned, in his absence?

Mr. MATTHEWS. — I do not say that.

Mr. LUNDY. — Before finishing with this witness I shall want to examine Mr. Pettigrew. Is Mr. Pettigrew here?

Mr. MATTHEWS. — No.

Mr. LUNDY. — Then, why do you expect me to put in the part of my case that refers to Mr. Pettigrew, as far as this witness is concerned?

Mr. MATTHEWS. — I have said all I care to say.

Mr. LUNDY. — And I have said all I care to say, and I don't care to finish with this witness at this time.

The CHAIRMAN. — The facts of the case are, as the committee understand them, that counsel agreed that anything concerning Mr. Pettigrew would not be discussed, or the evidence entered into, until Mr. Pettigrew can be here. If counsel for the committee does not desire to go further with this witness until Mr. Pettigrew is present, I don't see why he should not be allowed that privilege.

Cross-Examination.

Q. (By Mr. MATTHEWS.) Mr. Kelly, who was this Kelly you were going to get $5 from?

A. A contractor delivering loam in South Boston.

Q. What was his name?

A. Well, his father was the contractor.

Q. What is his father's name?

A. I don't exactly remember the first name. I remember the name of the son, because the name was Thomas.

Q. What was the son's name?

A. Thomas.

Q. Thomas Kelly. Now, you made out a bill for him against Mr. Eichorn?

A. Yes, sir.

Q. Mr. Eichorn was to pay that bill, wasn't he?

A. Yes, sir.

Q. The city of Boston wasn't to pay it?

A. I suppose Mr. Eichorn was to pay the bill; yes.

Q. Well, you know the city wasn't to pay the bill?

A. Yes.

Q. Do you know of any fraud in that transaction?
A. No.
Q. You say "No," don't you?
A. Yes.
Q. About this McShane matter that you have been testifying about, you say that you told Mr. Shea once that Mr. McShane had been cheating the city, didn't you?
A. I told Mr. Shea I didn't think it was right for him to give Mr. McShane those thirty loads that were never measured.
Q. Didn't you tell Mr. Shea that you thought Mr. McShane had been defrauding the city?
A. I certainly did; yes, sir.
Q. And you also told Mr. Shea that Mr. McShane had been giving you money?
A. I told Shea he had been giving me money?
Q. Yes. That is what you said, didn't you?
A. I think I did; yes.
Q. And both those statements are true, aren't they?
A. Yes, sir.
Q. And immediately after that you ceased to be connected with the department?
A. Yes, sir.
Mr. MATTHEWS. — That is all.
The CHAIRMAN. — That is all, Mr. Kelly.

TESTIMONY OF WILLIAM J. KELLY.

Q. (By Mr. MATTHEWS.) Mr. Kelly, state your full name, please.
A. William J. Kelly.
Q. And where do you live?
A. Robinwood, Jamaica Plain.
Q. Do you know Mr. Eichorn?
A. Yes, sir.
Q. Do you know Mr. Eugene H. Eichorn?
A. Yes, sir.
Q. Did you at any time receive a visit from him in the latter part of 1898 concerning a telegram which he had received from New York?
A. Yes, sir.
Q. Could you identify the telegram?
A. I think I could.
Q. Did he show it to you?
A. Yes, sir.
Q. (Handing telegram to witness.) I will ask you if that is it?

A. (Examining telegram.) To the best of my knowledge, that is the telegram.

Q. Now, what did Mr. Eichorn say to you when he showed you that telegram?

A. Well, it was Sunday afternoon, just after dinner. Mr. Eichorn and another gentleman, Mr. Newsome, called at my house. I met them about one hundred yards away, as I was going to make a call myself. We passed the time of day, and Mr. Eichorn wanted to know when I got home. I said: "Home from where?" He said: "From New York." I said: "I got home last night." He says: "I want to see you a minute." We went back into the house. We sat down, talking about one thing and another, and then he explained this telegram to me; said he had received this and wanted to know if I — I will have to stop and think just a moment. First he wanted to know when I got back from New York, and then I said: "Last night." He wanted to know if I sent such a telegram to him, and I said "No," and he showed me the telegram. "Why," I said, "somebody is jollying you, buncoing you." I said I would never have any occasion to send such a telegram as that. I never was short of money in New York.

Q. Can you fix the date of this conversation or interview with Mr. Eichorn?

A. No, sir, I couldn't, except that it was on a Sunday afternoon.

Q. Well, refreshing your memory by the date upon that telegram, can you state the year or the month?

A. Well, I know it was in the year 1898, and I think likely it was in the fall. I couldn't positively state that.

Mr. MATTHEWS. — I offer this telegram, Mr. Chairman.

(The telegram referred to, Exhibit 11, will be found at close of day's hearing.)

Cross-Examination.

Q. (By Mr. LUNDY.) How long have you known Mr. Eichorn?

A. Oh, 12 or 15 years.

Q. And you have known him rather intimately, haven't you?

A. Yes, sir.

Q. Do you recall now, at this time, whether or not you were away from home at the time when that telegram was sent?

A. Well, I am away from home a great deal.

Q. I understand, but at this particular time?

A. I know I was away from home the day before he called at my house.

Q. Now, can you recall at this time what places you had visited while you were away from home at that time?

A. Well, I was in New York.

Q. Were you anywhere else?

A. No.

Q. Are you supposed to go anywhere else on your trips?

A. Yes.

Q. And do you recall whether or not on that particular trip you were supposed to go anywhere but New York?

A. I was employed in New York.

Q. At the time?

A. Yes.

Q. And not in Boston?

A. No, sir.

Q. And what were you living in Boston for if you were employed in New York?

A. What for?

Q. That is my question?

A. Because my home is in Boston.

Q. How often were you accustomed to coming home to Boston?

A. Once in two or three weeks.

Q. And how long was it before Mr. Eichorn called on you this particular Sunday that you had seen Mr. Eichorn?

A. Not for several months.

Q. And would Mr. Eichorn have any means of knowing whether you were stationed in New York or not?

A. I don't think he would.

Q. Have you any idea of what day of the week this telegram was sent?

A. No, sir.

Q. Did he explain to you at that time on what day he received it?

A. Yes.

Q. What day was that?

A. The day before he called on me.

Q. That was a Saturday?

A. As I recall it.

Q. Then, as you leave it, Mr. Eichorn told you he had received a telegram on Saturday?

A. Yes, sir.

Q. And he had responded with $5, or by telegraphing the price of a ticket?

A. He told me he had sent the price of two tickets.

Q. And that one was by boat — wasn't that it?

A. Yes, sir.

Q. Now, did he tell you that he telegraphed that ticket in the afternoon, or those tickets?

A. Yes, sir.

Q. You remember that distinctly?

A. Yes, sir.

Q. And upon the following morning he went around to your house to ask if you were the man who telegraphed?

A. No, sir, he came in the afternoon.

Q. The afternoon of the following day?

A. Yes, sir.

Q. You had arrived home Saturday night?

A. Yes, sir.

Q. Didn't it strike you as peculiar at the time that he should come around the next day to inquire about it, the day after he sent you the ticket?

A. As a matter of fact, he didn't send me the tickets.

Q. No, but he supposed he did?

A. I don't know what he supposed — didn't know until he made the statement to me.

Q. Did he ever telegraph you a ticket before?

A. No.

Q. Money?

A. No, sir.

Q. Did you ever call on him for assistance?

A. No.

Q. You never, to your knowledge, borrowed money from him?

A. No, sir.

Q. Had you any reason to believe that he would telegraph you money or a ticket?

A. No.

Q. When did you see Mr. Eichorn last?

A. This morning.

Q. He came to your office?

A. Yes, sir.

Q. Where are you employed now?

A. 170 Summer street.

Q. Mr. Eichorn did not tell you that he testified yesterday?

A. No, sir.

Q. Didn't tell you that he was before the committee?

A. No, sir.

Q. When did you learn that he testified before the committee?

A. I don't know that he has testified before the committee.

Q. You don't know that he has?

A. No, sir.

Q. What did Mr. Eichorn ask you to do?

A. Asked me if I recalled the circumstances of the visit to my house in regard to the telegram. I told him that I did. He asked if I would go to Mr. Matthews' office and make a statement to that effect. I told him I would.

Q. He then showed you the telegram?

A. No, sir.

Q. The first time you saw it was when Mr. Matthews handed it to you?

A. No, sir.

Q. When?

A. The time when Mr. Eichorn visited my house.

Q. You wouldn't at this time identify the telegram?

A. I think likely.

Q. I don't mean what you think likely, but you wouldn't positively identify it?

A. I didn't positively identify it.

Q. And he didn't show it to you this morning?

A. No, sir.

Q. For what length of time were you talking to him, this morning?

A. From the time he came to my office until we got to Mr. Matthews' office.

Q. How much time?

A. Three-quarters of an hour.

Q. You then started for Mr. Matthews' office?

A. No, sir; I said I was talking with Mr. Eichorn that three-quarters of an hour — from the time he came to my office, and including the visit to Mr. Matthews' office.

Q. Where do you live now?

A. Robinwood, Jamaica Plain.

Q. And where does Mr. Eichorn live?

A. I won't positively state, but I think it is off Eliot street.

Q. Is that in Jamaica Plain?

A. Yes, sir.

Q. How often have you seen him — much in the last two or three years?

A. Probably many times.

Q. Are you as friendly as you were two or three years ago?

A. The same as always.

Q. You, two or three years ago, saw him many times?

A. No, sir.

Q. Only two or three times a year?
A. That is all.
Q. Do you know any of Mr. Eichorn's family?
A. Yes, sir.
Q. Know his brother Albert?
A. I never met him until to-day.
Q. What talk did you have with Albert Eichorn to-day?
A. Nothing except to pass the time of day and hope that whatever I had to do here would be done quickly, as I am pretty busy. That is all.
Q. Now, — if my brother will pardon me for repeating this — what you want to state to the committee is this, that you had three-quarters of an hour's conversation with Mr. Eichorn today?
A. I said that I spent three-quarters of an hour with Mr. Eichorn, which included the visit to my office and the length of time it took to get to Mr. Matthews' office.
Q. And, further, you say that the whole subject of the telegram was discussed, as far as the telegram goes?
A. No, sir.
Q. He called your mind back to two years ago?
A. That is all.
Q. And you mean to say that during the conversation with Eichorn he never mentioned this hearing?
A. I asked him if the investigation was going on now, and he said "Yes," that they had a session last night and another one this afternoon.
Q. Then, you knew the investigation was going on?
A. Yes, sir; but didn't know that he had testified.
Q. You knew that your friend Eichorn was involved?
A. Yes, sir.
Q. And you knew at the time that certain charges were made against him?
A. No, I didn't.
Q. Well, you knew why you were called to testify on the telegram?
A. Exactly.
Q. He told you why?
A. He didn't go into the details.
Q. Just barely refreshed your memory on this telegram?
A. Exactly. He wanted to know if I could recall the circumstances of that telegram.
Q. Do you recall that anybody was present when he waited on you on that Sunday?
A. Yes, my sister was in the house.

Q. Do you recall any remark he made at that time to you, why he came around so soon to see you after telegraphing the money, or telegraphing the ticket?

A. Why he came around to see me?

Q. Yes?

A. To find out whether I was the party who sent it.

Q. And you said you were not?

A. Exactly.

Q. Did he say at the time who he thought had sent it?

A. No. I asked him at the time if he could think of anybody else.

Q. What road was this on, that this ticket was telegraphed?

A. As I understood and remember at the time, the Providence Road.

Q. Well, what was the boat ticket on?

A. The Fall River.

Q. (By the CHAIRMAN.) Mr. Kelly, what firm did you work for in New York at that particular time?

A. The New York Commercial Company.

Q. Where are they located in New York?

A. Now at 290 Broadway.

Q. Some question may be raised in this matter, and, in order to satisfy the committee, as the committee desires to be absolutely fair, and have no question about it, we will probably communicate with that firm so as to verify your statement.

A. You can, yes, sir. I will give you a card if you desire it (handing a card to the Chairman).

Q. We are not doubting your word at all. It is only to satisfy the committee.

A. I understand.

Q. (By Mr. MATTHEWS.) Mr. Kelly, you wrote the address of the New York firm on the card?

A. Yes. sir.

(The committee at 4.04 P.M. took a recess, and were called to order again at 4.30 P.M.)

TESTIMONY OF WILLIAM E. FISCHER.

Q. (By Mr. LUNDY.) Your name is William E. Fischer?

A. Yes, sir.

Q. And you live where?

A. Union terrace, Jamaica Plain.

Q. What number?

A. Eighteen.

Q. And what is your position at the present time?
A. Gardener.
Q. Are you employed by the Park Department?
A. Yes, sir.
Q. And have been for how long?
A. Thirteen years this coming April.
Q. Were you suspended in February?
A. No, sir.
Q. You still work?
A. Yes.
Q. In what capacity did you start in to work for the Park Department?
A. Started in as a gardener's apprentice.
Q. What salary?
A. $1 a day.
Q. And at the present time you receive what?
A. $2.75.
Q. Now, you are under Mr. Dawson?
A. Yes, sir.
Q. And what is Mr. Dawson's full name?
A. Charles J.
Q. And what position has he occupied in the Park Department?
A. That of planter.
Q. Do you know whether or not Mr. Dawson is still in the Park Department?
A. No, sir; he is not.
Q. How long since he left the Park Department?
A. Two weeks ago to-day.
Q. And what was the title of his position when he left?
A. That of planter.
Q. Is planter higher than ordinary gardener?
A. Yes, sir.
Q. And what salary does a planter get?
A. Well, I understood he was getting $1,200 a year.
Q. Well, you knew, as a matter of fact, that he did get $1,200 a year, didn't you?
A. Yes, sir.
Q. You knew that that salary went with that position?
A. Yes, sir.
Q. When did you first learn that?
A. By seeing it in the papers.
Q. When was Mr. Dawson appointed to that position?
A. Two years ago last September.
Q. Had he worked in the department before he was appointed to that position?
A. No, sir.

Q. And he came from where?

A. From the Bussey Institute.

Q. Now, under whose administration of the Park Department did you receive your increase in salary?

A. My increase? Well, under several — under Mr. Howe and under Mr. Pettigrew.

Q. When did you first receive $2.75 a day? Who was Superintendent of the Parks then?

A. Mr. Pettigrew.

Q. Have you any idea how you are rated by the Civil Service Commission?

A. No, sir.

Q. Have you taken civil service examinations?

A. Yes, sir.

Q. For what position?

A. That of gardener.

Q. Have you ever officiated in the capacity of a sub-foreman?

A. Sometimes.

Q. And how many men have you had under you while you acted in that position, or what you considered to be that position?

A. Well, I have had varying numbers.

Q. Well, what was the lowest?

A. Well, four men — that is, when I started in first.

Q. And your highest number?

A. Thirty-eight men.

Q. And for how long a period at a time would you have a gang of men working under you?

A. Always had them.

Q. I mean at times when you were working as a sub-foreman?

A. Well, I was always working as a gardener, and only officiated as a general sub-foreman for about two weeks.

Q. I don't mean to make this indefinite to you. I mean, at the time you worked, performed the duties that you supposed belonged to the work of a sub-foreman, you did that for how long?

A. About two weeks.

Q. And that was when?

A. Just before the suspension of the men.

Q. And under whose instruction did you do that work?

A. Mr. Dawson's.

Q. Then, Mr. Dawson had immediate charge of you, did he?

A. Yes, sir.

Q. Now, a gardener, occupying the position of gardener as you did, does not usually have a gang of men under him, does he?

A. He always did in that department.

Q. Then, how did your duties differ in those two weeks from any other time?

A. Well, I was laying tiled pipe.

Q. Do you know anything about tiled pipe?

A. I know a little about it.

Q. Well, were you ever educated to any extent to lay tiled pipe?

A. Only from what I learned in the Park Department.

Q. Simply what you got from observation?

A. Yes, sir.

Q. You wouldn't undertake to go out to-morrow morning and boss a gang of men laying tiled pipe, would you?

A. Yes, sir.

Q. You would not?

A. Yes, sir.

Q. You consider yourself then, of course, perfectly competent to do that work?

A. Yes, sir.

Q. But if you were going to work at tiled-pipe laying, you wouldn't do it at your present salary, would you?

A. Might have to.

Q. What?

A. Well, wouldn't follow it up as an occupation.

Q. What is the difference between the salary of a subforeman and a gardener — the position you occupy?

A. Fifty cents a day.

Q. Now, you for the last three years have been stationed where?

A. The last two years?

Q. Well, say three years; I don't mean continuously, but most generally where have you been situated?

A. Well, mostly in Franklin Park.

Q. And your work has been the work of an ordinary gardener?

A. Yes, sir.

Q. And that consists of just what, briefly?

A. Well, planting.

Q. Planting of what?

A. Trees, shrubbery.

Q. Plants?

A. Trees and shrubbery.

Q. Have anything to do with flowers at all?

A. No, sir.

Q. Who had charge of the flower work around where you were?

A. Didn't have any flower work.

Q. There are some flowers in the park, aren't there?

A. Nothing but the shrubbery; that's all.

Q. Well, of what there was for a gardener to do you had your share?

A. Yes, sir.

Q. Now, you worked in everything under the direction of Mr. Dawson?

A. Yes, sir.

Q. Now, who arranged the plans for the laying out of the shrubbery and plants that you planted, say during the year 1898?

A. Well, Mr. Pettigrew and Mr. Dawson.

Q. Mr. Pettigrew and Mr. Dawson?

A. Yes, sir.

Q. And how far does Mr. Pettigrew go into the work of laying out the arrangement of plants?

A. Well, I have seen him going around with Mr. Dawson, giving him his orders and what he wanted done.

Q. Well, have you ever heard him give any orders to Mr. Dawson?

A. Yes, sir.

Q. Now, in the year 1898 did you take any part in any destruction of trees?

A. What do you mean — such as wood-chopping?

Q. I will put it in this form — did you take part in a thinning process in 1898?

A. Yes, sir.

Q. And that thinning process is an operation that a gardener has to engage in every year, isn't it?

A. Yes, sir.

Q. And at what time of year does he generally engage in that?

A. Generally in winter.

Q. And the process of thinning is supposed to consist of the removal of superfluous trees — is that it?

A. Yes, sir.

Q. Now, do you comprehend within the idea of thinning trees the idea of removing any tree that may mar the landscape, or the idea of a landscape gardener in regard to a certain landscape?

A. Well, of course, that is a matter of difference of opinion out there through our place.

Q. Well, we won't come to the different opinions yet. But thinning consists principally, does it not, of removing superfluous trees and trees that are unfit to remain standing?

A. Well, we thin them out with the idea of giving the other trees a show, as I understand it.

Q. A chance to grow?

A. Yes, sir.

Q. Then you only remove certain trees with the idea of giving some help or life to the trees around them?

A. Yes, sir.

Q. Now, how many trees do you suppose you thinned out during that thinning season of 1898?

A. Oh, somewheres around 200.

Q. Did you have charge of the gang that did it?

A. Yes, sir.

Q. Is the gardener supposed to have charge of the gang?

A. Yes, sir.

Q. What was Mr. Dawson doing?

A. The head one over the gardeners — looked out for the work.

Q. What did he do while the thinning out process was going on?

A. Went from gang to gang, overlooking the work.

Q. Then he did exercise some supervision over your gang?

A. Yes, sir; certainly.

Q. Do you remember the style, variety, species of the trees you destroyed?

A. A great deal of sapling growth, young trees, saplings.

Q. But whether or not you removed any full grown trees?

A. Yes, sir.

Q. And whether or not those full grown trees that you removed were of mature, healthy growth?

A. Some of them were and some of them were not.

Q. You did, as a matter of fact, you say, remove trees that were perfectly healthy?

A. Yes, sir.

Q. Do you recall whether or not you removed any trees that were fairly fine specimens of a particular growth?

A. Nothing but a few elms.

Q. And where were those elms?

A. Well, one was up near the Valley Gate.

Q. Well, where is the Valley Gate?

A. About the centre of the park, where the glen lane runs through the park.

Q. How old was this particular elm you speak of?

A. Oh, maybe 60 to 70 years old.

Q. And what, approximately of course, were the measurements of that tree — I mean in girth through?

A. About two feet.

Q. Now, you had considerable experience in the gardening business before you went to the Park Department, didn't you?

A. No, sir; started there as a boy.

Q. What was your father's business?

A. Landscape gardener.

Q. And he was connected with the Park Department, was he?

A. Yes, sir.

Q. Whether or not you know whether your father had anything to do with the laying out of that land there?

A. Yes, sir. he did.

Q. Did you ever study anything but gardening?

A. No, sir.

Q. In all your experience with your father, did your father have anything to do with anything but gardening?

A. No, sir.

Q. Then you did know something about gardening when you went to the Park Department?

A. Well, I started as a boy and studied under him, going to school.

Q. And have followed it ever since?

A. Yes, sir.

Q. Tell me about this particular tree?

A. An elm tree, a large tree.

Q. Didn't you consider it a fine specimen?

A. It was a nice tree.

A. And how many of those trees of that description did you take down in 1898?

A. Well, there was one large elm tree, and then, of course, a few in through the Wilderness that were taken out to give the other trees a show to grow.

Q. Never mind why the other trees were taken out — tell me about the elms. Any others?

A. Another down at the lawn tennis field.

Q. That was taken out?

A. Yes, sir.

Q. Do you recall any other fine specimens of elm trees that were removed during 1898?

A. One at Jamaica Pond.

Q. And you had charge of cutting that, did you?

A. Yes, sir.

Q. That is, you have named three large trees, that you considered to be well matured, healthy and fine specimens, that were removed in 1898?

A. Yes, sir.

Q. Now, what other large trees did you remove there that appeared to you to be in the same condition?

A. That is about all I can recall myself.

Q. You say only three of that kind were removed? I don't mean of that species, but any of that size?

A. That is all I recall — some in the woodland cut out.

Q. And did Mr. Dawson give you any instructions to take out these particular trees?

A. Yes, sir.

Q. You say altogether you cut about 200 trees?

A. Calling saplings trees and large trees, altogether.

Q. By a large tree you mean what?

A. Oh, about six inches through in diameter.

Q. And how many large trees, six inches in average diameter, did you remove in 1898?

A. Somewhere about 150.

Q. And they were all located about Franklin Park?

A. Yes, sir.

Q. Now, the following year, 1899, what did you do in the way of trimming trees?

A. Never had anything to do with the trimming of trees.

Q. Well, what did you have to do with the thinning out process?

A. 1899?

Q. 1899, last year.

A. Well, did the same thinning out that we did the year before — went through the woods.

. About the same number as you took out the year before?

A. No, not so many.

Q. Who gave you your personal instructions last year?

A. Mr. Dawson.

Q. You have planted considerable shrubs in the last three years, haven't you?

A. Yes, sir.

Q. How many shrubs, approximately, of those that you personally have planted have been torn up again?

A. Well, I don't know as I have torn up any I have planted for the last three years.

Q. Well, have you torn up any healthy shrubs?

A. Yes, sir.

Q. Well developed shrubs?

A. Yes, sir.

Q. Shrubs that had any element of beauty when they were torn up?

A. Yes, sir.

Q. And under whose instructions did you tear up those shrubs?

A. Mr. Dawson's.

Q. Have you taken part at any time, during 1898 or 1899, in the taking away or destroying of certain features of architectural gardening at Franklin Park?

A. I don't think I have.

Q. You don't remember removing any feature that was put there by anybody at any time?

A. Well, removed some of the shrubbery that had been put there.

Q. Now, take some particular instance of it, Mr. Fischer, — where did you remove any considerable number of shrubs?

A. Well, changed some of the plantations around the Valley Gate.

Q. Now, as a gardener, Mr. Fischer, did those groups or that group of shrubs appear to you at that time to be any part of any feature? You understand what I mean by "feature"?

A. Yes, sir. Well, they changed the ground all around there, and after they changed the ground the grouping, of course, didn't look to me so beautiful any more.

Q. Well, before they made this new arrangement in their plans, how did it appear?

A. It appeared to me all right.

Q. How did the general features strike you before this new plan came in?

A. All right.

Q. Did you know whose plan this was that came in?

A. No, sir.

Q. Did Dawson ever talk to you about it?

A. No, sir.

Q. Do you know whether or not Professor Sargent had anything to do do with it?

A. I couldn't say.

Q. Do you know who planted that particular group of shrubs?

A. Yes, sir.

Q. Who?

A. My father.

Q. And under whose directions did your father plant those shrubs?

A. Frederick Law Olmsted.

Q. Have you ever personally come in contact with Frederick Law Olmsted?

A. I did when I was a boy.

Q. You don't know anything about his work on the park, or his firm's, do you?

A. No, sir.

Q. Now, the usual time for thinning out begins about when?

A. What of — trees or shrubbery?

Q. For trees?

A. Generally in the winter. I would say about December, as soon as the frost comes.

Q. What would you say as to shrubbery?

A. Well, do that any time.

Q. Well, about March that begins?

A. Well, generally some in March.

Q. Well, isn't that the usual time for you to begin to thin out shrubbery?

A. No, sir.

Q. What time?

A. Any time — have done it in March, and in the summer.

Q. I don't care what time you have done it. What time do you mean to say the general season for thinning out shrubbery is?

A. In the winter, of course.

Q. But it can be done at any time?

A. Yes, sir.

Q. Now, after you have removed one of these shrubs, in the way you have removed them, that ends the life of that particular plant?

A. Well, some of them are removed to save them, and some chopped down.

Q. Well, do you remember how many were removed during the season of 1898 that it was possible to save?

A. No, I don't remember.

Q. Well, what proportion — greater or less?

A. Well, saved about one-half I should judge.

Q. You would say that you did save one-half?

A. Yes, sir.

Q. And it was possible to save how much — more than that or less than that?

A. No, I don't think it was.

Q. You don't think it was possible to save any more than half?

A. No, sir.

Q. And do you actually know that one-half of what you took out in 1898 was saved?

A. Yes, sir.

Q. Well, where were they taken?

A. Taken and planted over again. I planted them over again. I planted them over myself.

Q. Yourself?

A. Yes, sir.

Q. And planted them in the same season?

A. Yes, sir.

Q. All that you took out in 1898?

A. Yes, sir.

Q. Now, did that same system hold good in 1899?

A. Yes, sir.

Q. Of course, when you take a tree down, that ends the tree?

A. Certainly.

Q. No question about that. And what is done with a tree after it is taken down?

A. Cut up into four foot lengths.

Q. Then what is done with it?

A. Then send them wherever we have orders to send them to.

Q. In 1898 what orders were given to send them?

A. Well, a contract was made, and a man took all the wood.

Q. You don't know anything about the contract, of course?

A. No, sir.

Q. Do you remember whose men took them from there?

A. Dolan's.

Q. What Dolan — James Dolan?

A. I think it is.

Q. Whether you know it is the same James Dolan who has been supplying loam and gravel?

A. I don't know. I think it is.

Q. Do you know where this James Dolan you have reference to lives?

A. Jamaica Plain, somewhere.

Q. He took all the wood cut in 1897?

A. No, sir.

Q. 1898?

A. Yes, sir — not all.

Q. Who took other parts of that cut in 1898?

A. Several parties took some in 1898.

Q. Do you remember any one of them?

A. Fee, the florist out there, took quite a number of cords.

Q. Who else, in 1898?

A. Several private parties bought it from Dawson.

Q. And Dawson is the man supposed to dispose of it?
A. Yes, sir.
Q. And after Mr. Dawson disposed of it you naturally wouldn't know about it?
A. No, sir.
Q. Wouldn't you know the terms of the agreement?
A. No, sir.
Q. Who divided with Dolan the contract in 1899?
A. I don't know that he had a contract in 1899.
Q. You know that he took wood in 1899 from there?
A. Not from me.
Q. Do you know whether he took it from any part of the park?
A. No.
Q. Who did?
A. I don't know.
Q. There was some taken in 1899?
A. Some taken, but not what was chopped in 1899. I did very little wood chopping.
Q. Well, what little wood chopping you did, what would you say was done with the results?
A. Most of it was put in the Overlook building.
Q. For what?
A. For the furnaces.
Q. And was burned?
A. Yes, sir.
Q. Have you ever seen Professor Sargent upon the grounds of Franklin Park?
A. Yes, sir.
Q. During the thinning-out time?
A. Yes, sir.
Q. Did you ever know Professor Sargent to mark any trees to be destroyed?
A. Yes, sir.
Q. And whether or not those trees have been destroyed?
A. Certainly — destroyed if he marked them.
Q. Do you know of any case where trees have been marked where they have not been destroyed?
A. Very few cases.
Q. Can you recall any of these few cases?
A. One.
Q. What was that?
A. An ash tree.
Q. And Professor Sargent had marked that, had he?
A. I don't know whether he left the mark on it or not, but it was marked, and was left afterwards.

Q. Who left it?

A. Mr. Pettigrew.

Q. Mr. Pettigrew said it should remain?

A. Yes, sir.

Q. After somebody had marked it?

A. Yes, sir.

Q. Do you know of any case where Mr. Pettigrew or Professor Sargent marked a tree where it afterwards remained?

A. Only that one.

Q. Can you tell the committee of any instance in which trees marked by Professor Sargent or Mr. Pettigrew have been permitted to stand, and which have been seen afterwards by Mr. Pettigrew or Professor Sargent and no further instructions in regard to them given?

A. Only this one.

Q. Do you know a man named Fee?

A. Yes, sir.

Q. What is his first name?

A. James.

Q. Did Fee work in your gang at all?

A. He worked in 1898 for me.

Q. Whether or not you know that Fee worked in Franklin Park during 1899?

A. Yes, sir.

Q. And while he worked for you in 1898 did he have any part in cutting down the trees?

A. Yes, sir.

Q. Now, have you noticed, Mr. Fischer, any general change of scheme or system in the arrangement of the park during the last three years?

A. You mean in regard to planting?

Q. The general idea of the park — as far as you are concerned, of course?

A. The general idea of the planting is different from what it was before.

Q. Three years ago?

A. Yes, sir.

Q. As a matter of fact, there has been a marked change set in, hasn't there, in three years?

A. Yes, sir.

Q. And that marked change has resulted in the destruction and removal of a great many shrubs and trees. Is that so?

A. Yes, sir.

Q. Now, in all, at how many would you estimate the number of trees — I mean, something like mature trees — that have been removed during the last three years?

A. Oh, I could n't estimate it, because, you see, I have only got one small end of the park to take care of.

Q. What end of the park have you to take care of?

A. The upper section, Valley Gate and Overlook.

Q. And that takes in how many acres?

A. May take in 100 acres.

Q. And that 100 acres you have charge of you have had charge of about three years?

A. Yes, sir.

Q. Don't shift very often?

A. During the planting season shift often.

Q. I mean as far as trees are concerned?

A. No, sir.

Q. About the 100 acres you have supervision over, there is a great deal of valuable woodland there?

A. Yes, sir.

Q. It probably is as finely featured, as far as trees go, as any part of the park, isn't it?

A. Yes, sir.

Q. Now, to estimate for the last three years in that particular section, about how many trees of any mature growth or development have you removed?

A. About 150.

Q. And during the three years prior to this last period of three years, what should you estimate it at?

A. I couldn't say.

Q. As many as that?

A. I couldn't say, because I wasn't out in the woods then, but in the greenhouses.

Q. You mean to say, then, that your experience with the woodland part of the park extends over only three years?

A. Yes, sir.

Q. You know, then, nothing about the general scheme of the parks before three years ago?

A. I know about the planting season. Then I was always out.

Q. What change has been made in the general planting scheme in the last three years?

A. Well, changed the groups a good deal and made them into solid plantations.

Q. Well, in the process of making the old system into solid plantations, has that necessitated the destruction of any plants?

A. Well, where they were too thick we had to thin them out, and widen the groups and fill them in.

Q. During the past three years have you made any complaint of the system under which you have worked?

A. No, sir.

Q. Have you had any bother with your direct superior, Mr. Dawson?

A. No, sir.

Q. None at all.

A. No, sir.

Q. And you have not been before the Superintendent of Parks with Mr. Dawson, on a complaint?

A. No, sir.

Q. Were you at any time a candidate for the place Mr. Dawson occupied up to the time he resigned, recently?

A. I made an application for the position before Mr. Dawson came.

Q. And at the time you made an application Mr. Dawson was not in the service of the department?

A. No, sir.

Q. And did you feel at all friendly to Dawson when he took that position?

A. Yes, sir.

Q. You did?

A. Yes, sir.

Q. And did you feel at all friendly to the men who appointed Dawson?

A. I didn't know them. Of course I felt friendly to them.

Q. You knew the man to whom you made application for the position?

A. I made application to Mr. Hodges.

Q. Was he at that time Chairman of the Board of Park Commissioners?

A. Yes, sir.

Q. Now, as a practical gardener, Mr. Fischer, at the time Mr. Dawson took charge of work in Franklin Park did he appear to you to be entirely competent in his business — as he affected you, I mean?

A. As he affected me?

Q. Well, as he came in contact with you did he appear to be entirely competent in his business?

A. Well, our ideas were different.

Q. Well, that is conservative enough. Your ideas, you say, were different?

A. Yes, sir.

Q. Well, in what material respect did your ideas differ?

A. In planting.

Q. Now, can you state to this committee any particular idea or any particular theory you have in regard to planting that he disagreed from you in?

A. I didn't believe in planting them, making solid plantations. I believed in grouping. I was following father's ideas, and the way he planted was my ideas, and we often talked it over, and argued about it.

Q. Now, would your theory or your father's theory, or Mr. Dawson's theory, have any effect at all upon the life of the plants?

A. No, sir.

Q. Then it was simply a scheme of gardening arrangement?

A. That is all.

Q. Well, do you know if the plants have suffered at all from the predominance, you might say, of Mr. Dawson's system?

A. No, they have not suffered any.

Q. Then, you think, as far as the plants are concerned and the general park arrangement goes, Mr. Dawson's ideas are as successful as yours?

A. So far as the life of the plants is concerned, they are all right, but our ideas were different in regard to planting them.

Q. Well, you mean in regard to the season of the year in which they were planted?

A. No, sir, — in regard to the grouping of them and laying them out, laying out plantations.

Q. Well, you say it doesn't affect the life or the state of the plant itself. Where is there any damage done by following Mr. Dawson's idea?

A. I don't know as there is any damage done.

Q. You think, then, that his ideas are just as good as yours?

A. That is a matter of opinion.

Q. But you don't recall any damage the Park Department sustained by following Mr. Dawson, do you?

A. No, sir.

Q. Well, in what did you disagree with Dawson other than that?

A. That is about all I know.

Q. Well, will you swear, Mr. Fischer, that you haven't had any difficulty with Mr. Dawson other than that?

A. I had one difficulty, about taking down some young mountain ash trees.

Q. And how did you happen to come to have that difficulty with him?

A. He wanted them chopped down.

Q. And did you refuse to chop them down?

A. Not when I was told.

Q. When you were told by whom?

A. Mr. Dawson.

Q. Then how is it possible for you to have any difficulty with Mr. Dawson in regard to cutting those down?

A. Didn't have any row about it — only talking about our opinion of it. I told him I was sorry to chop them down.

Q. Why were you sorry to chop them down?

A. Because I thought they looked nice where they were.

Q. That is, you disagreed with him in the matter?

A. Yes, sir.

Q. Didn't you have some difficulty with Dawson that brought you before Mr. Pettigrew?

A. No, sir.

Q. You swear, then, that you and Mr. Pettigrew and Mr. Dawson didn't have any controversy?

A. Yes, sir.

Q. That is, you and Mr. Dawson didn't?

A. Yes, sir.

Q. Well, have you made from time to time any complaints upon various subjects concerning Mr. Dawson in the last three years?

A. To whom?

Q. To anybody?

A. No, sir.

Q. Never at all?

A. No, sir.

Q. Have you had any experience in the nursery line?

A. Yes, sir.

Q. How much?

A. I worked in park nurseries a number of years.

Q. Before you came into the Park Department at all?

A. No, that is all connected with the Park Department.

Q. Well, that comes within your thirteen years' service?

A. Yes, sir; all in the Park Department.

Q. Now, do you recall anybody picking seed berries in the park at any season of the year?

A. Nothing more than a man that Dawson had to pick seed for the greenhouses or nursery.

Q. That is, to pick seed for the Park Department greenhouses?

A. Men of our own, to pick them for Dawson, to use them in the nursery.

Q. Did you notice any strange men there picking berries?

A. No, sir.

Q. And your reservation there is like the average reservation in the park?

A. Yes, sir.

Q. You have quite as many seed berries there?

A. Yes, sir.

Q. Was it brought to your attention that men were picking berries in various parts of the park?

A. No, sir.

Q. Never was?

A. No, sir.

Q. Did the policeman ever come to your neighborhood in the park?

A. Oh, yes.

Q. You never called the policeman's attention to any intruders on the part of the park reservation where you were?

A. No, sir.

Q. Now, who would look after a fresh plantation after you had got in your work on it?

A. My own section? I would look after it myself.

Q. I know, but that is subject to somebody's supervision?

A. Dawson's.

Q. And beyond Dawson?

A. Mr. Pettigrew.

Q. And how often did Mr. Pettigrew come there?

A. Saw him as many as three, four or five times a week, sometimes.

Q. And would Mr. Pettigrew go particularly into the subject of the arrangements?

A. Yes, sir.

Q. To what extent?

A. Would go through them, look them over, say if anything was wrong, talk about it.

Q. Talk with you?

A. Yes, sir.

Q. Would his talks go into the subject of gardening, or the general arrangement — which?

A. Well, he would speak about what he wanted to be done in the plantation. If he saw anything he wanted done or anything removed — weeds, hoeing, forking or scuffling, he would say so.

Q. What is forking and scuffling?

A. Forking is spading up the ground, especially about young trees, softening up the ground.

Q. There wasn't anything particularly original in Mr. Pettigrew's ideas in regard to that?

A. Nothing more than anybody's else, I suppose.

Q. Whether those were not things that people in other positions could observe and attend to?

A. What do you mean?

Q. Well, this idea of removing these weeds and other stuff was simply the ordinary gardener's idea?

A. Certainly.

Q. Why did such things remain there until Mr. Pettigrew saw them and told you what to do?

A. Sometimes saw objects — we wouldn't get to it, and he would draw our notice to it.

Q. You mean to say that he came so frequently as to draw your attention to things that you had let lapse?

A. Yes, sir.

Q. How often did he come every week?

A. Sometimes we saw him nearly every morning, and sometimes he would slip a morning and we wouldn't see him.

Q. Well, don't you think Mr. Pettigrew's ideas might perhaps be wrong?

A. Yes, sir.

Q. Was there anything upon which you and he were in conflict at all?

A. No, sir.

Q. There was nothing that struck you as being out at the time?

A. No, sir.

Q. You did some pruning of trees?

A. Yes, sir.

Q. At what season?

A. Well, would start about right after planting them.

Q. How much time did you spend pruning trees?

A. Well, whatever time I had during the day — would go up and prune and have the men's work laid out.

Q. Briefly, what is the work of pruning trees?

A. Well, take where there are two or three leaders, if you have a poor leader, you take down one leader and give the others a chance to go ahead and make a good formed tree.

Q. Has it ever come within your observation that there was a valuable tree that, by pruning, was cut down because it was pruned?

A. You mean after it was pruned cut down?

Q. (The stenographer repeated the question.)

A. No, sir.

Q. Did you ever cut down any trees that had been recently planted?

A. What do call "recently"?

Q. Well, what would you call "recently"?

A. A year or two years.

Q. Well, have you cut down trees that were fairly developed and that had been planted only one year or two years?

A. No, sir.

Q. Never?

A. No, sir.

Q. Do you know of any fairly valuable shade trees that you have ever cut down?

A. No, sir; nothing but those few elms that I mentioned.

Q. Well, aside from those elms, do you remember any trees of fair growth and development that were in a position where they could be used as shade trees, that you cut down during the years 1898 and 1899?

A. No, sir.

Q. Then, substantially all the cutting you did was in the woods?

A. Mostly in the wilderness.

Q. With the exception of these elms?

A. That is all.

Q. Did Mr. Pettigrew ever order you to cut down any particular trees of any growth?

A. I don't know as he did, no.

Q. Well, now, how many different species of foreign trees have you cut out there in Franklin Park — I mean practically, at a guess, about how many species?

A. I don't know that we have any, just at present.

Q. Well, name some specimen of a foreign tree you have had there since 1898?

A. Oh, we have had catalpas out there.

Q. And how many catalpas have you had?

A. I couldn't tell you.

Q. Well, is that anything like a valuable tree?

A. Well, it was a nice flowering tree.

Q. A nice flowering tree?

A. Yes, sir.

Q. And there were about how many groups of them in your section?

A. One group.

Q. Is that group there now?

A. No, sir.

Q. When was that group removed?

A. Last winter.

Q. Under whose orders?

A. Mr. Dawson's.

Q. Did you get any other orders besides those from Mr. Dawson?

A. Sometimes from Mr. Pettigrew.

Q. Now, from which of those gentlemen did you get orders — Mr. Dawson or Mr. Pettigrew?

A. Mr. Dawson.

Q. Why did you say Pettigrew?

A. Sometimes he would give the orders.

Q. Which man would give the orders to remove this group of catalpas?

A. Mr. Dawson.

Q. Mr. Pettigrew had nothing to do with it?

A. I suppose he told Mr. Dawson.

Q. Never mind what he told — as far as you know, Mr. Dawson gave the order?

A. Yes, sir.

Q. How many catalpas were in that group?

A. About seven.

Q. How old should you say there were?

A. About nine years.

Q. And how large a tree?

A. Oh, a tree about twenty-five feet high.

Q. How thick?

A. About eight inches.

Q. Now, is that considered a rare or a very common tree?

A. Oh, it is a medium common tree.

Q. What do you mean by that — plenty of them around?

A. Yes, sir.

Q. Plenty of them?

A. Yes, sir; plenty around.

Q. Plenty of them still in the park?

A. No, sir.

Q. Do you know of any reason why they should be removed from the plantation?

A. I understood because they were a foreign tree.

Q. Because they were what?

A. A foreign tree.

Q. Then you heard some ideas expressed upon native and foreign trees, did you?

A. Yes, sir.

Q. And who expressed those ideas?

A. Mr. Dawson.

Q. Now, you were accustomed to hold certain conversations with Mr. Dawson, weren't you, when you started in to take these instructions as to cutting down certain trees?

A. Sometimes.

Q. Would he volunteer to you an explanation as to why you were to cut down certain groups?

A. No, sir.

Q. Would you ask him?

A. Sometimes.

Q. Why did you ask?

A. Because I wanted to know.

Q. Why?

A. Thought I might learn something.

Q. Then it was simply educational on your part — asking why they were cut down?

A. Yes, sir.

Q. It wasn't because you had particular admiration for a certain tree?

A. Oh, I had admiration for them, too.

Q. But, generally speaking, it was simply to know why the trees were cut down?

A. Yes, sir.

Q. Now, do you recall ever being ordered by Mr. Dawson or anybody else to cover the stumps of trees which you had removed?

A. Yes, sir.

Q. When was that?

A. Generally — always used to do it.

Q. Well, do you recall any special instructions that you were to cover the stumps of trees removed, so that the public or anybody might not know they had been cut down?

A. No, sir.

Q. Well, you have heard that, haven't you?

A. Yes, sir.

Q. You have heard that in your department?

A. Yes, sir.

Q. Haven't you heard that from Mr. Dawson?

A. No, sir.

Q. Ever hear it from anybody in authority?

A. No, sir.

Q. Have you ever made the observation yourself?

A. No, sir.

Q. Haven't you ever made the observation yourself?

A. Well, I thought that was what it was for.

Q. Thought it was for the purpose of concealing from the public the fact that the trees had been destroyed — is that it?

A. Yes, sir.

Q. Now, it isn't usually the custom to cover the stump of a tree when you remove a tree, is it?

A. Always did it in the park.

Q. And your personal idea is that you did it for that certain purpose?

A. That was my idea, yes, sir.

Q. Now, in the spring of 1899, you did considerable planting, didn't you?

A. Yes, sir.

Q. All the most important fresh trees?

A. Yes, sir.

Q. Did you plant any trees that you thought you should not plant?

A. No, sir.

Q. Have you ever said that you planted trees that you should not have planted?

A. I don't think I have.

Q. What is a "cull"?

A. It is a tree that is not much use — that had its leaders gone; broke down; poor roots.

Q. Is that a proper thing to plant in fresh planting?

A. No, sir.

Q. And you are absolutely certain that you did not plant any culls?

A. Yes, sir.

Q. Are you in a position to see the trees taken to other parts of the parks?

A. I planted them in the different parts of the park.

Q. You didn't have charge of all the different parts of the parks in 1899?

A. No, sir.

Q. Did you see all the trees that were planted in the different parts of the parks?

A. No, sir.

Q. But you say you planted no culls?

A. Yes, sir.

Q. And you say that you never said that any culls were planted that spring?

A. Yes, sir.

Q. What is a hand-pruned tree?

A. Well, it is a tree pruned by hand.

Q. How does it differ from an ordinary pruned tree, if there is any such thing?

A. There is no difference.

Q. There is no difference?

A. No.

Q. They do use that distinction, don't they?

A. I never heard of it.

Q. Never used the expression yourself?

A. No.

Q. Do you recall the number of trees in 1899, for instance, that had been damaged in handling?

A. No, sir.

Q. Do you recall putting up any trees at that time that, because of some accident, might be calculated to prove poor trees after a certain period of existence after being planted?

A. No, sir.

Q. Did you plant in the spring of 1899 any sugar maples — Norway maples?

A. Yes, sir.

Q. Were they all healthy?

A. Yes, sir.

Q. All proper trees?

A. Yes, sir.

Q. Have you ever made the statement that from one-half to two-thirds of those trees were not fit to plant?

A. No, sir.

Q. Can you give any reason why one-third of those trees were unfit for planting at that time?

A. No, sir.

Q. You did some pruning?

A. Yes, sir.

Q. That was all done regularly?

A. Yes, sir.

Q. Both in 1898 and in 1899?

A. Yes, sir.

Q. That was done under the personal supervision of Mr. Dawson, wasn't it?

A. Yes, sir.

Q. Well, now, where did you do your pruning?

A. Franklin.

Q. In the park?

A. Yes, sir.

Q. In the nursery at all?

A. No, sir.

Q. Did you get all of your stuff already pruned?

A. No, sir.

Q. You got some pruned from the nursery, didn't you.

A. Oh, yes, when I was planting out, I did. When I planted, all my stuff that came from the nursery came all pruned.

Q. That is, you pruned it, and it went to the nursery, and it came back pruned?

A. No, sir; I received my trees all pruned. What I did in the way of pruning was after they were planted. Sometimes they would lose their leader, and we had to prune to get a new leader in summer time.

Q. Now, you were at Marine Park some time in 1898, were you not?

A. Yes, sir.

Q. Did you see the loam delivered there at all?

A. No, sir.

Q. Were you here yesterday?

A. Yes, sir.

Q. You heard Mr. Eichorn testify?

A. Yes, sir.

Q. And you heard Mr. Kelly testify?

A. Yes, sir.

Q. Do you know anything about this man Weidener?

A. Yes, sir.

Q. Ever see him there?

A. Yes, sir.

Q. Ever see him under the influence of liquor?

A. No, sir.

Q. Have you ever seen Abbott under the influence of liquor?

A. No, sir.

Q. Ever hear that Mr. Weidener had a yacht?

A. Yes, sir.

Q. Did you know that he had one at that time?

A. No, sir, only what I heard them say.

Q. Did you hear that he had one?

A. Yes, sir.

Q. Did you hear that he spent considerable time on it?

A. No, sir.

Q. How did you hear that he had a yacht?

A. Well, I heard the men talking about it, and I think he told me himself he had a yacht.

Q. Did you see young Weidener working there?

A. Yes, sir.

Q. And did you observe what his position was?

A. That of water boy.

Q. Did you ever see him do anything more than carry water?

A. No, sir,

Q. Ever see him measure teams?

A. No, sir.

Q. Ever see him make tally-slips?

A. No, sir.

Q. How much time did you spend there during the day?

A. All the day.

Q. Were you in a position to see any of the water boys or tallymen or foremen?

A. No, sir.

Q. What were you doing?

A. I was in charge of 38 men, and I didn't have time to observe much of anything but what those men were doing.

Q. Were you in a section of the place where you could see Mr. Weidener?

A. No, sir.

Q. You don't know whether he was drunk or not?

A. Well, yes, because he used to come to me morning and noon and evening.

Q. He reported to you, did he?

A. No, he was working near there.

Q. Well, he had nothing to do with your men, did he?

A. No, but he had some men working there.

Q. And he came over to see his men there where you were working?

A. Yes, sir.

Q. Did Mr. Abbott make it a point to get there three times a day?

A. No, he was working with the men.

Q. You were not receiving loam.

A. No, but he helped me planting.

Q. He was helping you planting during 1898?

A. No, not 1898–1899.

Q. Now I am getting back to 1898?

A. I wasn't in South Boston in 1898 at all.

Q. Well, in 1899 what was he doing?

A. Laborer.

Q. He was a laborer at that time?

A. Yes, sir.

Q. And do you know whether or not that is the same Abbott referred to here as being a tallyman the year before?

A. Yes, sir.

Q. Do you know where he is now?

A. No, sir.

Q. Do you know whether he works for the Park Department?

A. No, sir.

Q. Kelly didn't work at South Boston last year, did he?

A. I don't know.

Q. Did you ever see him at all before you saw him here?

A. Where — before I saw him here?

Q. Yes?

A. Never saw him since he left the Park Department.

Q. You did see him working there in South Boston?

A. Not in South Boston.

Q. Where did you see him working?

A. Franklin Park.

Q. Who was he working under?

A. Mr. Jeffery.

Q. At that time was he doing anything more than acting as water boy?

A. Something to do with the loam.

Q. What did he have to do with the loam?

A. I don't know.

Q. How do you know that he had anything to do with the loam?

A. I heard he was tally boy.

Q. Who told you that?

A. Well, seen him there, in fact. I saw him writing out something in the books.

Q. Then, you saw him making out loam checks or working on the tally books?

A. I saw him working in the office on the books.

Q. In the shanty?

A. Yes, sir.

Q. Now, do you know anything about the depth of loam in Marine Park in 1898?

A. Well, it was various depths.

Q, I thought you said you weren't there in 1898?

A. No; in 1899.

Q. In 1898, do you know anything about the depth of loam?

A. No, sir.

Q. Do you know when this sea was supposed to have swept in?

A. No.

Q. You don't know whether that happened in the fall of 1898 or 1899?

A. No.

Q. You had heard that some of the loam had been swept away?

A. Yes, sir.

Q. There was some talk of that?

A. Yes, sir.

Q. In 1899, to whom was loam delivered there?

A. I didn't see anybody deliver loam.

Q. Do you know whether or not any loam was delivered there then?

A. No, sir.

Q. How much loam did they have there?

A. I couldn't tell you.

Q. But you worked in a certain section of the Park in 1899?

A. Yes, sir.

Q. Your particular business was to do what?
A. Planting.
Q. Planting what — trees and shrubs?
A. Trees and shrubs.
Q. And you planted about how many trees?
A. I should judge between ten and twelve thousand.
Q. And they were all young trees — very young trees?
A. Well, some of them may have been as old as four or five years.
Q. And the condition of all those trees was healthy?
A. Yes, sir.
Q. Have you been to Marine Park recently?
A. No, sir.
Q. You don't know what the condition of the trees is now?
A. No, sir.
Q. Well, was there anything that struck you when you were planting the trees that might indicate that they might be in a very miserable condition at the present time?
A. No, sir.
Q. No reason why they should not be good, healthy trees now?
A. No, sir.
Q. Now, in what depth of soil did you plant those different trees?
A. Various depths.
Q. Well, what depth did you plant them as a rule?
A. From a foot and a half to two feet.
Q. You found all the loam there?
A. Yes, sir.
The CHAIRMAN. — Where are you talking about now?
Mr. LUNDY. — Marine Park in 1899.
Q. You found all the loam there that you required?
A. From a foot to one and a half feet.
Q. Is that all you required?
A. A foot is plenty of loam for a tree.
Q. For an ordinary tree?
A. Yes, sir.
Q. What is the extreme depth of loam required for a tree?
A. The extreme depth — well, the more depth it has, the better.
Q. The better for the tree?
A. Why, certainly.
Q. Well, more than three feet?
A. Well, if it has three feet, it is better; and four feet is better still.

Q. And five feet is still better?

A. Yes, sir.

Q. And six feet, better than that?

A. Oh, well —

Q. Well, take the largest tree you have in mind, at the present time — how much loam is necessary for the propogation of that tree?

A. That was planted over there?

Q. Any tree that you can think of now. Do you know of any tree that requires more than three feet of loam?

A. No, sir.

Q. Then, why do you say that six feet is better?

A. The tree will grow better. It will make a better tree, and will grow quicker.

Q. Have you ever heard anybody suggest that five feet of loam was dumped in any particular place for the purpose of benefiting any particular tree?

A. No, sir.

Q. Do you know whether it has been the policy to give a tree more loam than it actually needed for the purpose of benefiting that tree?

A. No, sir.

Q. You don't?

A. No, sir.

Q. As far as your personal instructions went, were they to give a tree what was necessary, and nothing more?

A. Yes, sir.

Q. And did you at any place in Marine Park give a tree more loam than you thought was actually needed?

A. Well, I had some very large trees, and I had to dig a pretty fair sized hole.

Q. I understand; but did you give to any tree any more loam than you thought it actually needed?

A. No, sir.

Q. And to what depth of loam did you actually go in any particular place?

A. The deepest I struck was two feet.

Q. You required more than that for some of those trees?

A. Some of them required more.

Q. What did you do then?

A. Dug out a hole, and left the underdressing on top.

Q. Do you know anything about the quality of loam?

A. Well, a little — know good loam if I see it.

Q. Whether or not all that loam was good loam?

A. Yes, sir; it was first rate loam.

Q. Would you be prepared to say just how much loam there was in Marine Park?

A. No, sir; I wouldn't.
Q. Or in your section of Marine Park?
A. No, sir.
Q. You had about 38 men under you in South Boston?
A. Yes, sir.
Q. And Barnard McNulty worked for you in South Boston, didn't he?
A. Yes, sir.
Q. Peter Dolan?
A. Yes, sir.
Q. Hugh Magginis?
A. Yes, sir.
Q. Hugh Mitchell?
A. Yes, sir.
Q. Pat Kelly?
A. Yes, sir.
Q. John Hennessey?
A. Yes, sir.
Q. You didn't pay any particular remark, of course, to the depth of loam.
A. No, sir.
Q. During last summer, what did you do, Mr. Fischer?
A. Took care of plantations.
Q. In the Park?
A. Yes, sir; Franklin Park.
Q. Now, do you recall doing any destroying of trees and shrubs in Franklin Park, or in any other part of the Park system, on rainy days?
A. No, sir.
Q. Do you recall doing it after dark?
A. No, sir.
Q. Do you know whether or not any of your gang — that is, the men under you — did any destroying of trees on rainy days?
A. No, sir.
Q. You have worked on rainy days, haven't you?
A. Yes, sir; sometimes.
Q. Where?
A. In the Park.
Q. Doing what?
A. Picking up stones on plantations.
Q. But you mean to say that you never cut down trees on rainy days?
A. No, sir.
Q. Did you ever hear any one issue the order that certain trees should be cut down on rainy days?
A. No, sir.

Q. You didn't hear that order?

A. No, sir.

Q. That has never been told you as coming as an order?

A. No, sir; not to me.

Q. Do you know of that order being in effect, whether it came to you or not — I am not asking you what somebody told you had been issued, but did you know that that order was in existence?

A. Yes, sir.

Q. You did know that that order was given out?

A. It was given out to me, I believe, once.

Q. Who gave you that order?

A. Mr. Dawson.

Q. Mr. Dawson gave you orders to cut down trees on rainy day's?

A. It wasn't a rainy day it was a snowy day

Q. Well, a snowy day, then?

A. Yes.

Q. And he did at that time assign that reason to you?

A. No, sir.

Q. What reason did he assign to you?

A. He didn't give me any reason at all — only just said he wanted it cut down.

Q. Had you any reason to suppose that the order was given on that day for that particular purpose?

A. I kind of thought it was — I wasn't sure.

Q. You thought, although you weren't sure, that you were cutting down trees on that particular day in order that the general public would, in all probability, not be present?

A. Yes, sir.

Q. Did you think at that time that you were doing anything that the public ought not to see?

A. Well, we did it right along, whether it was snowing or raining. We did the same work right along.

Q. You followed out a general system of destroying the trees. That is your testimony. But did you do it particularly on a day when the weather was inclement?

A. No, sir.

Q. But you say that you did do it on days when you supposed you were assigned to that work with that particular purpose in view?

A. Yes, sir.

Q. That is it, is it?

A. Yes, sir.

Q. Do you remember what kind of a day it was when you hacked down those elms?

A. It was a snowy day.

Q. You were told particularly by Mr. Dawson to go out and chop down those trees?

A. Yes, sir.

Q. And he designated those particular trees, and that particular day?

A. Yes, sir.

Q. Do you know of any protest being made against the men cutting down those trees?

A. I heard there was a protest.

Q. Well, don't you know that the agitation against cutting down the valuable trees was very lively at that particular time?

A. Yes, sir.

Q. Do you remember any protest being made by the residents in that immediate vicinity?

A. I heard they had one over to Pine Bank — the residents of Jamaica Plain.

Q. Where did you hear that?

A. At the park.

Q. Do you know of any hearing being given on the matter?

A. Yes, sir; one.

Q. Were you asked to be present and to give your testimony at that hearing?

A. No, sir.

Q. You did n't have anything to say before any hearing as to the cutting down of trees?

A. No, sir.

Q. Do you know — well, where are the Rockeries in Franklin Park?

A. The Rockeries in Franklin Park?

Q. Yes.

A. I guess you must mean the Overlook. I don't know of any Rockeries.

Q. Around the Overlook, are there certain trees of the species known as Irish Junipers, or were there?

A. There were.

Q. About how many were there?

A. I could n't tell you.

Q. Were there quite a group?

A. Well, there was a number of Junipers and Retinosporas.

Q. Was there quite a group of Junipers?

A. No, sir. They were never planted in a group.

Q. Well, were there many there, group or no group?

A. Well, there were not so many around the Overlook.

Q. Well, how many were there there then that are not there now?

A. I couldn't tell you.

Q. Were there one hundred?

A. No; I don't think there was.

Q. Were there fifty?

A. No.

Q. Were there twenty-five?

A. There may have been.

Q. You think there were fully twenty-five, don't you?

A. Yes, sir.

Q. How old were they?

A. Five or six or seven years.

Q. Were they in fairly good condition?

A. Yes, sir; well developed.

Q. Well developed and healthy trees?

A. Yes, sir.

Q. When were they removed?

A. The second year Mr. Pettigrew came.

Q. What was the second year Mr. Pettigrew came — 1899 or 1898?

A. 1898.

Q. Under whose orders were they removed?

A. Mr. Dawson's.

Q. Do you remember any difficulty about removing those trees?

A. Told him I didn't like to chop them down.

Q. Why did you tell him that?

A. Because I liked them.

Q. Have you any personal affection for those particular trees?

A. Yes, sir.

Q. Why?

A. Well, because they look as pretty in winter as in summer, for one thing.

Q. Then, altogether, it is rather a valuable plant?

A. It is a nice plant. They are not valuable, because they are very easy raised, and nothing scarce about them.

Q. You haven't many in the park system, have you?

A. Not now.

Q. You haven't had in the last three years?

A. No, sir.

Q. And you say they make a pretty effect in winter, as well as in summer?

A. Yes, sir.

Q. How far did your criticism of this idea go?

A. I didn't make any protest. I simply told him I was sorry to see them cut down.

Q. Well, you said you didn't want to do it, didn't you?

A. Yes, s r.

Q. And what did he do then?

A. He laughed at me.

Q. Were you in the habit of making such protests?

A. No, sir.

Q. If he told you to cut down an ordinary tree, you would cut it down?

A. Yes, sir.

Q. That was part of your business?

A. Yes, sir.

Q. So, when you did make a protest or a comment, it was because of some particular interest in the trees?

A. Yes, sir.

Q. And because the work was not altogether proper, according to your idea?

A. Well, according to my idea.

Q. Well, that is all that I am asking you — what you based your protest on, or your criticism. That is your idea?

A. Yes, sir, that is my idea.

Q. Now, I think I asked you this question once before. I believe that you have said that all the trees planted at South Boston were healthy, so far as you know?

A. Yes, sir.

Q. Were all those trees, so far as you understand it, sent there to be permanent?

A. No, sir.

Q. They were not?

A. No, sir.

Q. Do you know of any trees sent there that were intended as a temporary arrangement?

A. There were a great many sent over as nurse trees.

Q. What is a nurse tree?

A. Well, in a large plantation you put them in to protect one another, in an open place like that.

Q. Do you send for that purpose and use a perfectly good tree for that purpose?

A. Well, good trees, but not A1 trees.

Q. You send one that will live?

A. Good, healthy, live trees.

Q. But you don't send one that you would care to preserve?

A. Yes, sir; ones that we care to preserve.

Q. Are these nursery trees?

A. Yes, sir. They are planted with the idea that you pick out the best trees and preserve them and transplant them.

Q. But there would be in such a plantation a great number that you would be obliged to destroy?

A. Oh, yes, in a large plantation.

Q. Isn't that the idea that you plant them with when you start to plant?

A. No, sir.

Q. Your idea is not to destroy them at the end of any particular time, but isn't it considered within the scheme of gardening that a large proportion of these trees used for that purpose will be destroyed?

A. No, sir.

Q. Not eventually?

A. No, sir.

Q. Did you do any work around Scarborough Pond?

A. No, sir.

Q. Where is that?

A. In the further end of the Park, near Morton street.

Q. You never did anything there?

A. I worked there.

Q. Well, when?

A. Worked there last spring.

Q. What did you do there?

A. Planted around the slope of the road.

Q. What did you plant?

A. I planted roses, sweet ferns, acacia, different things — shrubbery.

Q. And that was done under the direction of Mr. Dawson?

A. Yes, sir.

Q. Have any difficulty with him there?

A. No, sir.

Q. Now, Mr. Dawson has been with you almost constantly for the last three years?

A. Two years.

Q. Two years?

A. Yes, sir.

Q. He has been with you quite constantly ever since he has been appointed to that position?

A. Yes, sir.

Q. During that time your ideas as upon the subject of gardening have conflicted?

A. Yes, sir.

Q. And as far as you know, your experience as a gardener was as extensive as Mr. Dawson's?

A. Yes, sir.

Q. Do you recall any subject upon which you agreed while you were together in the matter of gardening?

A. Yes, sir; planting the boundary lines of the Park.

Q. What is that?

A. Planting the boundary lines of the Park.

Q. You agreed upon that?

A. Yes, sir.

Q. And that is the conspicuous instance in which you agreed with him?

A. That is not the only one.

Q. Well, that is the one that strikes you as being conspicuous at the present time?

A. Yes, sir.

Q. On many other things you disagreed?

A. Yes, sir.

Q. Now, did Mr. Dawson do anything beyond the scope of simple gardener?

A. I believe he had general charge around Franklin Park the last year he was there.

Q. Did he make any arrangement as to the laying out of plots, or anything?

A. No, sir.

Q. You saw him about once a day, in the average?

A. Yes, sir.

Q. Or at least as often as once a day?

A. Yes, sir.

Q. Now, Mr. Fischer, as to Mr. Dawson's treatment of plants and trees, what was it? That of an experience man, in your opinion?

A. Well, he was a man who had experience. He came from Bussey and Arnold Arboretum, and he was supposed to have experience.

Q. Did he appear from his actions to be a man who had had experience? That is what I asked you.

A. Yes, sir.

Q. Did he appear to be a man who had profited by his experience?

A. Yes, sir.

Q. And you say at the present time that his handling of the trees was proper?

A. Yes, sir.

Q. It was?

A. Yes, sir.

Q. Do you remember saying to anybody in authority in the Park Department that he was not a proper man to handle trees or plants?

A. No, sir.

Q. Do you remember making that statement to anybody?

A. No, sir.

Q. Well, I will ask you this, Mr. Fischer: If you were the directing gardener would you assign the work of thinning out a forest to Mr. Dawson?

Mr. MATTHEWS. — I think I must object to this line of inquiry. It is hardly fair to ask him a question like that. The counsel has asked this witness to give an opinion as to the qualifications of his superior officer. I submit that it is hardly fair to this witness.

The CHAIRMAN. — The Chair will say that if he is not an expert on this thing the Chair does not see how his testimony can come in.

Mr. MATTHEWS. — Even if he is an expert, Mr. Chairman, he is not obliged to give his opinion about that matter.

Mr. LUNDY. — The gentleman that Mr. Matthews refers to as being this man's superior officer, is not his superior officer. He is not now in the employ of the Park Department; and that reason for objection is therefore eliminated.

Mr. MATTHEWS. — This man is a practical workman. He is a practical gardener. He does not set himself up to be an expert except so far as ordinary gardening goes.

The CHAIRMAN. — He is only expressing his opinion.

Mr. MATTHEWS. — But he is not qualified to give an opinion. He is not an expert on foresty.

Mr. LUNDY. — Yet, Mr. Chairman, it is upon men like this man, who have actually had to deal with the plants and plantations that we must depend for getting facts in this matter. We must depend upon their opinions to show whether or not this Park Department, so far as he is concerned, and so far as the opinions of men in his line are concerned, is conducted properly or improperly. Where can we look for that information, if not from this man of practical experience.

The CHAIRMAN. — The counsel will proceed, and will get as directly to the point as possible.

Mr. LUNDY. — I will limit it to that single question.

Q. (By Mr. LUNDY.) Would you, in the position of head gardener or head workman, send this man, Dawson, from what you know of him, into a plantation for the purpose of thinning it out or caring for it?

The CHAIRMAN. — I do not think he is competent to answer that because he is not an expert.

Mr. LUNDY. — Well, you have just ruled that I might put that question.

The CHAIRMAN. — I didn't rule on that particular point.

Mr. LUNDY. — I don't ask him as an expert. I ask him how he would behave in his own garden. This is the only practical way of getting anywhere.

The CHAIRMAN. — Ask him for his opinion if that is the policy he would pursue.

Q. (By Mr. LUNDY.) If you had a woodland, would it be your policy to send a man of what appeared to you to be Mr. Dawson's attainments in that line in to do that work?

The CHAIRMAN. — I think that is one and the same question that you asked him before.

Mr. LUNDY. — Well, you simply asked me to change the form. The intent of the question must be perfectly plain. My idea must be plain, and if you, Mr. Chairman, will put that question, I would be glad to have you do so. That is the idea I wished to get at.

The CHAIRMAN. — Well, I want to facilitate the hearing as much as possible.

Mr. LUNDY. — I will agree to abide by the question as put by the Chair.

The CHAIRMAN. — Well would he, in Dawson's place, pursue the same policy that Dawson did?

Mr. LUNDY. — Well, that is a little might more unfair, I think, than the form in which I put it — as to whether he would do what Dawson has done; but I will put it that way.

The CHAIRMAN. — What would he have done if he had been in that position.

Q. (By Mr. LUNDY.) Well, if you had occupied during the different thinning-out seasons the position that Mr. Dawson has occupied, would you have pursued the course that he did?

A. I suppose I would have had to, if I was under the management.

Q. What is the answer?

A. I suppose I would have had to.

Q. Well, why?

A. Under the present management.

Q. Under the present management of the Park Department you would have had to follow that system?

A. Yes, sir.

Q. Now, I am just as far away from what I want to get at as I was when I started. What I want to know is his opinion as to whether it is proper to do that work in the manner in which it was done. He simply says that if he had

occupied Mr. Dawson's position he would have done as Mr. Dawson has done, because under the present management, or under the present administration, he would have to do it. Now, what I want to know is whether you, as a practical gardener, would do that, looking at it from your standpoint?

Mr. MATTHEWS. — I object right there. The witness is qualified as a practical gardener; but what does a practical gardener have to do with forest plantations?

Mr. LUNDY. — That is what I want to know.

Mr. MATTHEWS. — Well, you ought to know, without asking the question, that an ordinary gardener has nothing to do with forest plantations. If this witness can qualify as an expert on forest plantations, I have no objection to his giving his opinion, if he is willing to give it; but he certainly cannot give an opinion about it as a gardener, because as a gardener he does not know anything about forest plantations.

The CHAIRMAN. — That is what I said — if he is not an expert, I do not see how it can come in.

Mr. LUNDY. — I do not know whether the witness is a gardener or a woodsman, or what he was; but it is plain from his evidence — and I do not think that it will be contradicted — that, whatever his capacity was, he was used as a woodsman. He was put in charge of a gang of men thinning out trees. Mr. Dawson also exercises supervision over that work. If he is good enough to do that work, why isn't he competent to give an opinion upon that subject at the present time?

Mr. MATTHEWS. — I think I can settle that question very quickly.

Q. (By Mr. MATTHEWS.) Were you ever entrusted with the work of thinning out trees?

A. Yes, sir.

Q. Ever entrusted with the work except under the direction of other people?

A. No, sir.

Mr. MATTHEWS. — That is it. He has never had any experience in thinning out trees, but has simply had charge of some men, to see that they thinned out the trees as he had been directed to have them thinned out.

Mr. LUNDY. — He knows one tree from another.

Mr. MATTHEWS. — Well, do you think that any man who knows one tree from another is qualified to express an opinion upon a very complicated question like this, as to whether the work of thinning out the trees was done properly?

Mr. LUNDY. — Well, it seems to me that the man who had charge of the job ought to know something about it; but if you object to this man's passing his opinion upon Mr. Dawson, I will withdraw that question, and leave it that way.

The CHAIRMAN. — I wish the counsel would proceed.

Mr. LUNDY. — Well, now, as I understand it, Mr. Chairman, I am restricted?

The CHAIRMAN. — I wish you would proceed, and the committee will take the evidence for what it is worth.

Mr. LUNDY. — Then, I am permitted to ask that question?

The CHAIRMAN. — In order to get over this wrangle, the committee will permit you to ask that question. I cannot see what difference it makes, anyway. I think this is all cumulative evidence.

Mr. LUNDY. — Well, Mr. Chairman, I think cumulative evidence is very important some times. Will the stenographer please read the question as I asked it, if he can find it?

The stenographer read the question, as follows:

"Q. (By Mr. LUNDY.) If you had a woodland, would it be your policy to send a man of what appeared to you to be Mr. Dawson's attainments in that line in to do that work?"

Mr. LUNDY. — That is it.

The WITNESS. — That is a question I beg to be excused from answering.

Mr. LUNDY. — Well, I think you will not be excused from answering it. I want to know.

Q. (By Mr. LUNDY.) Why do you wish to be excused from answering it?

A. Because I do not consider myself an expert enough to answer it.

Q. You can answer a common sense question, can't you? You know enough about a woodland to know what you would do with your own property?

A. Yes, sir.

Q. But you do not care to pass an opinion upon him?

A. No, sir.

Q. And you don't care to pass an opinion upon the policy or standing of any member of the Park Department? That is your attitude, isn't it?

A. Well, I don't like to pass an opinion upon a thing that I am not sure about.

Q. But that is a perfectly fair question. Isn't it a fact that you do not care to pass your opinion upon any man who has worked with you upon the Park Department?

A. I am not expert enough.

Q. Isn't there another reason?

A. No, sir.

Q. There is no other reason for that hesitancy on your part to express an opinion?

A. No, sir.

Q. Now you have always considered yourself quite as capable an expert as Mr. Dawson?

A. Yes, sir.

Q. And yet you won't pass an opinion upon his work?

A. No, sir.

Q. Can you suggest anybody that might pass an opinion upon Mr. Dawson's work?

A. No, sir.

Q. Now, as to the question of planting — under Mr. Dawson's direction, you undertook to lay out several plantations, didn't you?

A. Yes, sir.

Q. Now, as to the plan of planting them — as to the planting of the trees, with reference to their thickness — did you disagree from Mr. Dawson in any regard with reference to the plantation?

A. No, sir.

Q. Never did?

A. No, sir.

Q. What part of the park did you thin out the most shrubs last year?

A. Around the Overlook and around Valley Gate.

Q. How much shrubbery did you get rid of there?

A. I can't just exactly tell.

Q. How much of an area, approximately?

A. Oh, about one hundred shrubs, maybe.

Q. About one hundred?

A. Yes, sir.

Q. And can you remember many of the varieties?

A. Yes, sir.

Q. Name a variety that amounted to anything — I mean as a shrub?

A. Spirea Van Houtti.

Q. Were those of any particular value as plants, in their then present state of development?

A. Yes; they were nice plants.

Q. Well, you destroyed those under the orders of Mr. Dawson?

A. Yes, sir.

Q. Well, is it possible to do anything with one of those shrubs after they are removed from the ground, in a place like that?

A. What, sir?

Q. Is it possible to do anything with one of those shrubs after they had been removed, in the state of development in which those were?

A. No, sir. They were too large.

Q. No good for anything except to be destroyed?

A. That is all.

Q. Now, do you know of any changes being made there in the matter of planting any one particular plot?

A. No, sir.

Q. You have planted certain plots under Mr. Dawson's direction?

A. Yes, sir.

Q. Whether or not in the same season — that is, within a very short time after planting them — you have changed them, under Mr. Dawson's orders?

A. No, sir.

Q. That has never occurred to you?

A. No, sir.

Q. Do you know of any other gardener's work that you thought that did occur to?

A. I don't know anything about the other gardeners.

Q. Have you ever heard that criticism made of Mr. Dawson?

A. No, sir.

Q. Have you ever made that statement to me?

A. No, sir.

Q. Know anything about planting two and three and four times over the same ground, within a limited time?

A. No, sir.

Q. Would you say that didn't happen right in your plantations?

A. Oh, I may have done it myself, but he had nothing to do with it.

Q. It did happen, then?

A. I have planted places, and have gone over them and planted them again, when I thought they were too thin. That was left to my own judgment.

Q. Then certain things were left to your own judgment?

A. Yes, sir.

Q. And Mr. Dawson had nothing whatever to do with it?

A. He gave me the laying out, and gave me orders what he wanted done.

Q. Did you have anything to do with drainage work in Franklin Park?

A. Yes, sir.

Q. What did you do?

A. Laid tile pipe.

Q. That is all you had to do in that line?

A. Yes, sir.

Q. And, beyond that, you know nothing about that particular line of work?

A. No, sir.

Mr. LUNDY. — That is all.

The CHAIRMAN. — Anyone desire to ask any questions? (No response.) Do you desire to ask any questions, Mr. Matthews?

Mr. MATTHEWS. — I do not think I shall be able to get through with this witness to-night, Mr. Chairman, and, under those circumstances, perhaps the Committee would prefer to adjourn over. The Committee will adjourn at six, anyway?

The CHAIRMAN. — Yes.

Mr. MATTHEWS. — I should say that I might require fifteen minutes, at least. I think that is about all; but I do not think that I could get through by six. I should prefer not to commence the cross-examination until the next hearing.

The CHAIRMAN. — Well, we can stand fifteen minutes. We will sit that long.

Mr. LUNDY. — I have a suggestion to make, Mr. Chairman. I had about a half a dozen questions that I would like to put to Mr. Eugene Eichorn, and I thought I might put them now and get rid of him at this time.

The CHAIRMAN. — Mr. Matthews can go ahead with the cross-examination, and we will strain a point. The Committee will sit for fifteen or twenty minutes.

Cross-Examination.

Q. (By Mr. MATTHEWS.) Mr. Fischer, how long have you been on the parks?

A. Thirteen years this coming April.

Q. And your experience has been confined to the nursery and planting work?

A. Yes, sir.

Q. And the work which you have done in thinning out the forest woods has been under the direction of somebody else?

A. Yes, sir.

Q. But in so far as planting goes, and in so far as the work that goes with planting is concerned, you have been left to your own discretion?

A. Well, mine and Mr. Dawson's.

Q. Well, in a general way you received instructions from the department?

A. Yes, sir.

Q. But the actual manner of carrying out those instructions was left to you?

A. Yes, sir.

Q. That is, the department entrusted you with the work of planting on your own responsibility, to a large extent?

A. Yes, sir.

Q. But when it came to thinning trees out in the woods, in the heavy woods, you simply did as somebody told you?

A. Yes, sir.

Q. Well, wasn't that cutting under Mr. Pettigrew's instructions all the time?

A. Yes, sir.

Q. That is, all Mr. Dawson told you to do was simply carrying out Mr. Pettigrew's instructions?

A. Yes, sir.

Q. Now, these junipers that you spoke of are foreign trees?

A. Yes, sir.

Q. Irish junipers?

A. Yes, sir.

Q. And they have all been taken out of Franklin Park?

A. Yes, sir.

Q. Wasn't there some trouble about their hardiness?

A. Well, they claimed they wouldn't live very long — and they used to freeze, of course, sometimes. Some used to freeze in winter. That was the claim that was made and the reason given why we took them out.

Q. The department was afraid they were not hardy?

A. Yes, sir.

Q. And wasn't the same thing true about the foreign catalpas?

A. They were perfectly hardy.

Q. Where did they come from — Japan?

A. No; some of them came from down South?

Q. Then you didn't use the word "foreign" as meaning non-American?

A. There were some that came from some foreign country. There were two species.

Q. Well, wasn't there some question about the catalpas that came from foreign countries?

A. Yes, sir.

Q. Some question as to whether they were hardy?

A. Yes, sir.

Q. But the American catalpas were all right?

A. Yes, sir.

Q. Now, I wish you would explain a little more thoroughly the general theory of planting, with reference to the thickness of trees, or with reference to the number of trees and shrubs that are put in in the first instance, and their subsequent thinning.

A. That we have planted?

Q. Just explain in your own language the general theory of planting trees and shrubs, with reference to the number planted, and then of the future thinnings.

A. Those that were planted in the last three years we used to thin out. We would thin them out the second year after they were planted. We transplanted them to plantations, such as border plantations; but the tree estates we haven't thinned out.

Q. You haven't been planting trees thick enough in the last few years to thin them out?

A. No, sir.

Q. But it is customary to plant young trees too thickly, so that they must be thinned out in a few years, isn't it?

A. Yes, sir.

Q. And that is also true, of course, of shrubs?

A. Yes, sir.

Q. And the only way of planting trees and shrubs is to plant them thickly at first, isn't it?

A. Well, we have planted some that way. Naturally you have got to thin out shrubs later on — sooner or later.

Q. And with a view to thinning them out, they are planted thickly at first, and you try to thin them out, and to save the trees that you take out?

A. Yes, sir.

Q. Or the shrubs that you take out?

A. Some shrubs we take out altogether.

Q. Well, I am not asking you about that. I am asking you about the general theory?

A. That was what the theory was, in my understanding.

Q. And, of course, if you delay your thinning out until too late the trees get too big to be removed?

A. Yes, sir.

Q. And then you have to cut them down?

A. Yes, sir.

Q. Mr. Dawson is a son of the gentleman who has charge of the Arnold Arboretum?

A. Yes, sir.

Q. And do you know whether he had any experience with his father in the Arboretum before he came to the Park system?

A. I don't think he did.

Q. He has recently been engaged somewhere else, hasn't he?

A. Yes, sir.

Q. Do you know where?

A. I believe in the state of New Jersey.

Q. And in regard to cutting out the stumps of trees, that has always been the practice of the department, hasn't it?

A. Yes, sir.

Q. From a time prior to Mr. Pettigrew's arrival?

A. Well, I don't know much about the cutting of trees before he came. We never had much of it to do.

Q. That is to say, whenever trees were cut down, the stumps were cut out?

A. They were cut down low, even with the ground.

Q. (By Alderman GERRY.) I would like to ask you one or two questions. Did you have anything to do with cutting down those trees that were recently cut down on the Motley place, on Bussey street?

A. No, sir.

Q. Those two large trees and the smaller ones?

A. No, sir.

Q. You knew, Mr. Fischer, perfectly well, or it was your opinion, that Mr. Dawson — young Mr. Dawson, I mean — was the mouthpiece of Mr. Sargent, did you not?

A. I don't like to say that.

Q. You don't like to say it, but still you know it.

A. No, I don't know it.

Q. Well, now, you knew that he was there to do whatever Professor Sargent wanted done?

A. No, I didn't.

Q. Everybody else knew it.

A. Well, that might be.

Q. Well, didn't you have that as an idea?

A. No, I never had that as an idea. I never thought anything of that.

Q. You thought that young Dawson was there as the representative of Mr. Sargent?

A. No; he got the orders from Mr. Pettigrew. I don't think Mr. Sargent ever saw him.

Q. The idea was Mr. Sargent's, but, practically, the orders came through Mr. Pettigrew?

A. His orders all came through Mr. Pettigrew.

Q. You knew that was Mr. Sargent's idea?

A. Yes, sir.

Q. And every one else out there knew it?

A. Yes, sir.

Q. And you knew that it was his plan, his idea, that in order to make one perfect tree he should cut everything else away and leave that tree standing up alone, as those trees do now. All the undergrowth, the shrubbery and everything else underneath was sacrificed for that one idea?

A. Yes, sir.

Q. You knew that, didn't you?

A. Yes, sir.

Q. And you knew that the people out there were protesting against that?

A. Yes, sir.

Q. And you knew that men were walking back and forth, so angry that they didn't know what they were doing, at seeing these trees cut down? You knew that a great many men felt that that thing was entirely wrong, in an arboricultural way, we will say?

A. Yes, sir; lots of them complained to me.

Q. And you knew that they would not complain to you unless they were very much provoked. You knew that, didn't you?

A. Yes, sir.

Q. You knew about the time Mr. Nathan Haskell Dole was bringing out his artists to see the destruction of those fine trees, and that they were covered over with dirt in order to hide them from those people, did you not?

A. Yes, sir.

Q. You knew that was the policy of the Park Department, to hide from the public everything they could in that way?

A. Yes, sir.

Alderman GERRY. — Yes, you knew it; and so did everybody else — in my opinion, of course.

Mr. MATTHEWS. — Will you tell me, Alderman Gerry, where those trees in Bussey street were.

Alderman GERRY. — I wanted to ask him, because I wasn't quite positive. Mr. Dole will be here to tell you just where they were.

Q. (By the CHAIRMAN.) What do you mean by hiding up some of the trees?

Alderman GERRY. — The roots.

Q. (By the CHAIRMAN.) What did you mean by that?

A. To conceal them from the public.

Q. The department was afraid to have the public see them?

A. We used to get orders to rake leaves over them, and cover them up.

Q. Do you mean that the department covered them up for that purpose, so as to get them from the view of the public?

A. I suppose that is what it was for.

Q. That is all it was.

A. Yes, sir.

Q. (By Mr. MATTHEWS.) If the stumps had not been removed, they would be unsightly objects sticking up in the woods, wouldn't they?

A. Yes, sir.

Q. And whether or not people would not object to that?

A. What, sir?

Q. Wouldn't the people object to the appearance of the woods then?

A. Yes, sir.

Q. With the stumps standing up?

A. Yes, sir; certainly.

Q. And the Park Department has nothing to do with the trees on Bussey street?

A. No, sir.

Q. That is all in charge of Harvard College, isn't it?

A. Yes, sir.

Q. And all that tree cutting down there was for the benefit of Harvard College, and was probably done by Mr. Sargent?

A. Yes, sir. I know nothing about that section at all.

Q. Well, the City Park Department has nothing to do with it?

A. I couldn't tell you.

Alderman GERRY. — May I ask you one question, Mr. Matthews?

Mr. MATTHEWS. — Yes, sir; I am here.

Alderman GERRY. — Isn't he the man that is doing all this destruction? Whether this is in the Arboretum or the park system, whether he is a Harvard man or a park man, for the time being, isn't he doing it? Isn't the whole work done under his direction? It seems to me there is a little boundary line there — well, I don't know what you lawyers call it, but we might call it a quibble, perhaps. Isn't he the man who is doing it all, whether he is doing it in the Arboretum or over the line in the woods belonging to the Park Commission?

Mr. MATTHEWS. — That may be true, but those trees the Park Department of the city of Boston is not responsible for?

Alderman GERRY. — Oh, yes, but what difference does that make?

Mr. MATTHEWS. — Well, it makes a very serious difference. Mr. Sargent undoubtedly had full control at the Arboretum, and he has done what he thinks ought to be done; and a great many persons who don't know anything about the subject were up in arms about it, and made complaints, etc. Now, we shall show you that in the domains of the Boston Park Department nothing of the sort has taken place. The force of public opinion — unintelligent, as we shall show — has been so great that the Park Commission have not thinned out trees as they have been thinned out in the Arboretum, and as they ought to be thinned out in the Park system. We shall show you that the park system is suffering to-day — that the trees are in a wretched condition, compared with what they would have been if this work had been done twenty-five years ago. I presume that Mr. Sargent's system has been carried out at the Arboretum; but it has not been carried out in the park system, very much to its disadvantage.

Re-direct Examination.

Q. (By Mr. LUNDY.) Is there anybody at present occupying the position that Mr. Dawson occupied?

A. Not to my knowledge.

Q. Have you made any application for the place?

A. Yes, sir.

Q. You have an application pending at the present time?

A. Yes, sir.

Q. Did you talk with anybody connected with the Park Department upon the idea of getting that place?

A. Yes, sir.

Q. With whom did you talk?

A. Mr. Pettigrew.

Q. And has the matter of this investigation been brought up in those talks?

A. No, sir.

Q. Have you told Mr. Pettigrew that you were going to testify here?

A. No, sir.

Q. When did you see him?

A. A week ago to-day.

Q. You knew you were going to testify?

A. I told him I expected to testify here.

Q. And at the time you saw Mr. Pettigrew you had already seen me, hadn't you?

A. Yes, sir.

Q. And you had talked with me about this thing, hadn't you?

A. Yes, sir.

Q. And you didn't mention to Mr. Pettigrew that you had talked with me?

A. I hadn't seen you at the time — I saw you the next day.

Q. You knew you were going to see me?

A. No, not then.

Q. And you have an application in for that position at the present time?

A. Yes, sir.

Mr. LUNDY. — That is all.

TESTIMONY OF EUGENE H. EICHORN. — *Recalled.*

Q. (By The CHAIRMAN.) I just want to ask you a question. How many tickets did you send to New York?

A. I asked them there at the time — I showed them the telegram at the Providence depot, and they said, "Well we can't tell whether the ticket is to go by boat or train"; so I deposited the money for a boat ticket and for a train ticket. On Monday I went over there and asked them if any had been used, and they said yes, the one by train, and they returned the money for the other ticket.

Q. I sent down to the office of the New York, New Haven & Hartford Railroad, and they told me that two tickets were sent to one William Kelly, one the Shore line, and the other the Fall River line, without any identification. Why did you send them without any identification?

A. Well, he said that was the only way to do it.

Q. (By Mr. LUNDY.) Did they ask you at that time to furnish a description of this man?

A. No, sir.

Q. They didn't ask you to describe the man to whom you were sending the ticket?

A. No, sir.

Q. Do you know whether or not that is a rule of the road?

A. I don't.

Q. All you had to do was to give the money and have the ticket telegraphed?

A. Yes, sir.

Q. This was on Saturday?

A. Yes, sir.

Q. At what time in the afternoon?

A. I should say it was — well, when I got the telegram

I wrote on the back of it what time I got it. It is on the back of the telegram. I wrote it the day I got it. I think it was half-past one, or 1.45.

The CHAIRMAN. — The hearing will now adjourn to two o'clock to-morrow, Friday, prompt.

EXHIBIT NO. 11.

October 29, 1898.

Dated New York 29.

Mr. Eugene Eichorn,

73 Kingston street, Boston.

Have lost my ticket. Please deposit my fare with ticket agent Boston, and ask him authorize ticket here.

WM. KELLY.

FIFTH DAY.

CITY HALL, March 23, 1900.

The Committee met in the aldermanic chamber, City Hall, at 2 o'clock P.M., Chairman Norris presiding, and all the members present.

Appearances, same as before.

The CHAIRMAN. — The Committee will please come to order. Mr. Lundy, you will proceed.

TESTIMONY OF PETER F. DOLAN.

Q. (By Mr. LUNDY.) Your full name is Peter F. Dolan?

A. Peter F. Dolan.

Q. Now, speak loud enough so that the Chairman and the rest of the Committee can hear.

A. Yes; can holler, if I feel like it.

Q. And where do you live?

A. 78 Childs street, Jamaica Plain.

Q. Have you ever been employed in the Park Department?

A. Yes, sir.

Q. Are you employed there now?

A. No, sir.

Q. When did you get through with the Park Department?

A. When the suspension came.

Q. And that was about the 10th of February?

A. The 10th — somewhere around there — the 14th.

The CHAIRMAN. — Speak up loud, so that the Committee can hear you distinctly, and we will get along a great deal more satisfactorily. Speak up louder, please.

Q. (By Mr. LUNDY.) Now, Mr. Dolan, was there any special reason assigned for suspending you?

A. Not that I know of.

Q. You understood that it was because of lack of funds, didn't you?

A. No, sir, I was walking through the Park Department, going down to see a friend of mine in Dorchester.

Q. Yes?

A. It was on a Saturday morning — I don't remember the date — and on the way over I dropped in to see Mr. Jeffery — that is, crossing the Park to Dorchester.

Q. Were you working at the time you were crossing the Park?

A. No, sir.

Q. What were you supposed to be doing?
A. My week off.
Q. Did you get weeks off in the Park Department?
A. We were on half time at that time.
Q. How long had you been on half-time?
A. I think a month.
Q. Well, when did you receive your suspension — your permanent suspension, so to speak?
A. I don't know as I ever got any notification of it.
Q. Except that you were suspended?
A. Except the last day I drew my pay I walked over to the Pine Bank.
Q. Well, know you are suspended now, don't you?
A. I have been told so by Mr. Shea.
Q. Well, he is the man who would tell you, isn't he?
A. Yes, sir.
Q. When did you go to work for the Park Department?
A. 1897, the last of November, or probably the first of December.
Q. You didn't go to work for the Park Department before last November?
A. Of 1897.
Q. Of 1897?
A. Yes, sir.
Q. And you worked, did you, two years before you got your suspension?
A. Yes, sir.
Q. And during the time you worked there did you work continuously?
A. Yes, sir.
Q. Ever suspended at any other time?
A. On half time in 1899.
Q. Have you ever been reprimanded by the Park Department?
A. No, sir.
Q. Now, what is your business?
A. Laborer — work at anything, general work.
Q. Where did you first go to work, on what part of the Park system?
A. Franklin Park.
Q. And what capacity — as a laborer?
A. A laborer.
Q. And what particular work did you do as a laborer when you first went into Franklin Park?
A. Pick and shovel.
Q. And in what part of the park were you located?
A. Franklin Park nursery.

Q. Where did you go from there?
A. Brighton.
Q. What did you do over there — the same thing?
A. No, sir.
Q. What did you work at there?
A. Tallying.
Q. Now, what is a tallyman supposed to do, as far as you understand it?
A. Anything they give them to do.
Q. Well, there are special duties assigned to a tallyman, are there not?
A. Yes, sir.
Q. Now, when a man is assigned to the duties of a tallyman, is there anything else that he should be supposed to do — that is to say, isn't a tallyman in the park system supposed to have certain things to do as a tallyman?
A. I don't know why a laborer is not supposed to do anything he may be told to do.
Q. I know, but in this case you were assigned as a tallyman, were you not?
A. Yes, sir.
Q. Now, what were you supposed to do as a tallyman?
A. Measure the carts, spread the gravel and furnish the checks.
Q. And by that you mean that you furnished receipts for loam?
A. For gravel.
Q. To contractors or teamsters who delivered gravel there?
A. Yes, sir; filling.
Q. Filling of any description?
A. Yes, sir.
Q. Speaking of filling, do you know of anything being delivered there as filling except gravel?
A. That is all, sir.
Q. And that is the ordinary gravel that is used for filling — is that so?
A. Yes, sir.
Q. Did you ever see Mr. Pettigrew at that place?
A. No, sir.
Q. Ever see Mr. Shea?
A. Yes, sir.
Q. How many times?
A. Three or four times. Mr. Shea drove me over there the first time I went there.
Q. I mean, did Mr. Shea exercise any superintendence over that particular place? Did he direct any movements there?

A. No, sir. He showed me about how deep to put it on.

Q. And the loam there was laid out how — the regular way?

A. The regular way.

Q. Do you know how deep the loam was laid there?

A. There was no loam there. It was gravel.

Q. No loam at all?

A. No, sir.

Q. You didn't see any loam?

A. No, sir.

Q. I understand that you had charge of the gravel. What did you do with the gravel when it came there?

A. Spread it.

Q. I know, but over what sections was it spread — over the entire surface of the place?

A. Yes, sir, — as far out as we could go.

Q. Do you know for what purpose that gravel was brought there?

A. For filling.

Q. And whether or not it was used for that purpose?

A. Yes, sir.

Q. When did you go to Franklin Park again?

A. About March 15, — 14 or 15.

Q. That is, of 1898?

A. 1898.

Q. And what did you do there in March of 1898?

A. Tally man.

Q. Still tally man?

A. Yes, sir; in the same capacity.

Q. And were your duties in Franklin Park in March, 1898, as general as they were in the place where you had been before?

A. For the first week.

Q. Did all kinds of work?

A. Yes, sir; the first week.

Q. What did you do after the first week?

A. Transferred from the job there on to where Mr. Jeffery was working.

Q. Where was he working?

A. Over on Blue Hill avenue and Seaver street.

Q. What did you do over there?

A. Acted as tally man and measured carts.

Q. Is that all you did over there?

A. Yes, sir; that is all.

Q. Do you remember any contractors delivering gravel there?

A. No, sir.

Q. Don't remember any of the names?
A. Not gravel.
Q. You don't remember any of the names of the men delivering gravel there?
A. No gravel delivered there, to my knowledge.
Q. Well, delivering loam?
A. Yes, sir.
Q. Who delivered loam there?
A. Twenty, thirty, forty, or fifty contractors.
Q. Name some of them? Was Mr. Dolan there?
A. Yes, sir.
Q. Mr. King?
A. Yes, sir.
Q. Did Mr. Eichorn deliver any?
A. No, sir.
Q. Well, name somebody else who delivered loam there?
A. Mr. Lynch delivered loam.
Q. Mark Lynch?
A. Yes, sir; Mr. Murphy.
Q. What Murphy was it?
A. Mr. Murphy of Dorchester.
Q. You don't know his first name?
A. No, sir.
Q. Who else?
A. The Cavanagh Company.
Q. Who are the Cavanaghs? Do you know them?
A. I don't know.
Q. Where do they belong?
A. I don't know.
Q. Never inquired about that?
A. No, sir.
Q. How do you know about the Cavanagh Company?
A. That is the name we received — had the name and address at the office.
Q. Not on the team?
A. No, sir.
Q. Had the name and address?
A. Yes, sir.
Q. But don't recall the address now?
A. No, sir. We had to receive the name and address of every contractor that came to us and send it to the Pine Bank, up to the office.
Q. How many loads of loam were received there?
A. Anywhere from 50 loads a day to 950.
Q. And how long did that continue?
A. About four months.

Q. Who delivered the most of that loam, to the best of your knowledge?

A. I couldn't tell you, sir.

Q. You would naturally notice whether Dolan delivered more than King, wouldn't you?

A. Well, Mr. King was on a longer period than Mr. Dolan.

Q. I know, but notwithstanding the length of Mr. King's period there, did he deliver as much loam as Dolan did?

A. I couldn't tell.

Q. Could you say that King delivered as much as Dolan did?

A. I couldn't tell you anything at all about it.

Q. Have you any idea who delivered the smallest quantity of loam there?

A. No, sir.

Q. And you haven't any idea who delivered the largest?

A. No, sir.

Q. And you measured all those teams?

A. Yes, sir.

Q. And you haven't any idea upon that subject at all?

A. No, sir. I cannot state the number of loads.

Q. Could you estimate how many loads there would be a day?

A. Yes, I could perhaps tell how many loads each team would haul on an average?

Q. Now, tell me that — how much Dolan's teams would average?

A. Dolan, probably twenty loads to each team.

Q. And you measured those teams?

A. Yes, sir.

Q. All of them?

A. Yes, sir.

Q. And how long had you been measuring teams up to that time?

A. All the way through, from the time I started.

Q. I know, but how long since you had started to measure teams?

A. Ever since I was placed as a tally man I acted as measurer and general workman.

Q. Did you have any idea of measurement at the time you went to work there?

A. Nothing but a school education.

Q. Did you study cubic measure at school?

A. A little mite.

Q. Enough to make you competent as a tally man?

A. I suppose so.

Q. You could measure a team now, could you?

A. Yes, sir; I suppose so.

Q. I am asking whether you could — not what you suppose?

A. Yes, sir.

Q. You could measure anything according to cubic measure?

A. Not exactly according to cubic measure.

Q. Well, cubic measure applies to a team as well as to anything else, or to anything else as well as a team?

A. Yes, sir; certainly.

Q. And you consider yourself competent at the present moment to measure anything submitted to you to measure?

A. In the line of a team.

Q. How does cubic measure differ with respect to a team from anything else?

A. Quite a lot.

Q. State the difference?

A. I couldn't measure a bottle of water.

Q. You could measure a load of loam in a field?

A. I could measure a load of loam.

Q. In a field?

A. Yes, sir; or anywhere else that it might be, if it was piled up rightly.

Q. When do you mean by "rightly"?

A. According to measurements.

Q. You mean, if loam was piled up according to certain measurements, you could measure it after it was all measured?

A. No, sir.

Q. What do you say?

A. I mean to say I could measure it.

Q. You say, if it is piled up according to proper measurements?

A. I say if it is piled up accordingly, I could measure it.

Q. Couldn't you measure a load of loam, no matter what condition it is in?

A. No.

Q. Why not?

A. Because I couldn't.

Q. That isn't a reason. Tell me whether you could measure a load of loam spread in a field?

A. I suppose so.

Q. How much does a double team measure?

A. According to the size of the team.

Q. Well, one of the double teams that Dolan sent there or King sent there, or any of the rest of them?

A. Anywhere from 49 feet to 58.

Q. What is their average capacity? You know that, don't you?

A. About two yards, about 54 feet.

Q. Now, on a team that measured 49 feet how did they pile the loam to get a measurement of 54 feet?

A. They can't do it.

Q. Can't do it?

A. No, sir; not unless they build on sideboards.

Q. You say that while you were working there you don't consider that teams of 49 feet capacity contained 54 feet?

A. Please repeat that.

Q. (The stenographer repeated the question.)

A. No, sir.

Q. Well, now, do you remember who those contractors were who had teams there that contained 49 cubic feet, with a capacity of 49 cubic feet?

A. King had one.

Q. You are positive about that?

A. Yes, sir.

Q. Do you recall anybody else who had a team that didn't average more than that?

A. Not to my knowledge.

Q. Would you say at this time that King did not receive credit for more than 49 cubic feet at a time?

A. Not on that team, to my knowledge.

Q. And you would say that the Park Department now has receipts that call for deliveries of 49 cubic feet?

A. They ought to.

Q. Well, as far as your measurements went, that is the record they got?

A. He had that one team — that was the lowest team he had.

Q. What is the highest team he had?

A. 58 feet.

Q. This is Dolan?

A. No, sir; King.

Q. Take King's 58-foot team, how would you make a record of that, in regard to the loam in the team?

A. By the measurement.

Q. What would you credit him with?

A. The number of the team.

Q. On that team, how much would you credit him with on the supply of loam?

A. 58 feet.

Q. And those records stand now?

A. I suppose so.

Q. And your receipts will be found in that form?
A. I suppose so.
Q. Well, they would stand in that way, if you made them out that way?
A. Yes, sir.
Q. And that is the way you made them out?
A. Yes, sir.
Q. You didn't sign all those checks, did you?
A. No, sir.
Q. Who signed checks for you while you were tally man?
A. There was no tally man there.
Q. But yourself?
A. Yes, sir — there was one more, a boy named Cady.
Q. Isn't the tally man supposed to sign receipts?
A. Some of them. Some are not.
Q. I am asking you, as a matter of the system of the department, isn't the tally man supposed to sign those receipts?
A. Yes, sir; if he has time.
Q. Well, isn't it a part of the tally man's duty to sign those receipts?
A. Well, I am telling you according to whether he has time enough or not. When I acted as tally man I had to do the writing, signing, measuring and everything else, when I started.
Q. Well, is anybody supposed to be responsible for those receipts except the man that measured the cart there?
A. Not that I know of.
Q. And every cart you measured you are responsible to the department for, in making the record?
A. Yes, sir.
Q. In all those cases did you sign those receipts?
A. Yes, sir — up to probably these six weeks when the rush was over.
Q. I know, but how long were you there altogether?
A. About four months — from about the 23d of March until about the 25th of June.
Q. Then, for a month and a half out of four months you didn't sign those receipts?
A. I signed some.
Q. But most of them were signed by whom?
A. A boy named Kelly and a boy named Carty.
Q, This William Kelly?
A· Yes, sir.
Q. The boy who has testified here?
A. Yes, sir.
Q. Who was Carty?
A. A boy who worked there, water boy.

Q. Do you know his first name?

A. John.

Q. Do you know where he lives?

A. On Washington street, Jamaica Plain.

Q. Do you know whether or not water boys are supposed to sign receipts for loam?

A. Well, they were authorized by Mr. Shea and Mr. Pettigrew to sign my name to the bottom of those checks.

Q. Do you know personally whether Mr. Pettigrew ever personally authorized these boys to sign checks for receipts of loam?

A. Not outside of my case.

Q. Did you know in your own case that Mr. Pettigrew authorized those boys to sign those checks?

A. Yes, sir.

Q. And did you know personally that Mr. Shea authorized them to do it?

A. Well, between the two of them — both of them were at the shanty at the same time when I asked them.

Q. And both those men authorized these men to do that. Now, what were you doing while they were signing receipts?

A. Tallying loads and writing, when I got a chance.

Q. You told the boys, then, what to fill in?

A. I told them what to fill in.

Q. And you don't know whether or not they put in what you told them?

A. Well, I came pretty near knowing it, because every ticket that went to a contractor, I examined it before they got it — before the contractor received it.

Q. What time did you have to examine these receipts, if you didn't have time to make them out?

A. I had time before the contractor received them.

Q. As I understand it, Mr. Dolan, the contractor, or his driver or his representative, gets that receipt when the load is dumped?

A. No, sir; not at that time.

Q. On the same day?

A. No, sir; not at that time.

Q. Doesn't the contractor get his receipt on the same day ordinarily — on the day he delivers his load?

A. No, sir; not at that time.

Q. Then it may be later when he gets his receipts?

A. Yes, sir.

Q. May be some days later?

A. Yes, sir; may be a week.

Q. He is supposed to get the receipt when he delivers his load, isn't he?

A. Yes, sir; he is supposed to, if we can give it to him. If he cannot he has to wait.

Q. As a matter of fact, then, at this time he wasn't getting his receipts until a day or a week after he had delivered a load?

A. Yes, sir, — probably three weeks.

Q. Then you would overlook all these receipts that went out from your tally boys?

A. Yes, sir.

Q. Well, could you be fairly accurate after a week had passed from the time when a load was delivered until the receipt was delivered?

A. We kept our tally sheets, made a record of everything.

Q. Who kept the tally sheets?

A. I generally kept them.

Q. At home?

A. No, sir; in the shanty.

Q. And you were not the only one who had access to that shanty, were you?

A. I was the only one that carried a key.

Q. You were the only man?

A. Yes, sir.

Q. Didn't Mr. Shea?

A. No, sir.

Q. Did Mr. Pettigrew?

A. Not to my knowledge.

Q. You don't know of anybody having a key but you?

A. No, sir.

Q. There was another tally man?

A. A boy tallying there.

Q. Another man tallying?

A. A boy or man, whatever you call him.

Q. Well, somebody ranking as a tally man?

A. Yes, sir — double tally on the job.

Q. Another man ranking as you did?

A. Yes, sir.

Q. And that man is not included in the ones you have mentioned — Carty or Kelly?

A. No, sir.

Q. Why shouldn't he have a key to the shanty?

A. Because he had no right to it.

Q. Why not? Didn't he occupy the same position as you?

A. I don't think so.

Q. He didn't?
A. No, sir.
Q. He got the same pay?
A. No, sir.
Q. What pay did he get?
A. A dollar a day.
Q. And what pay were you getting?
A. Two dollars.
Q. He was doing the same work you were?
A. Yes, sir — not doing the same work.
Q. Well, tally man?
A. Yes, sir; tally man.
Q. What do you mean to say he did? Wasn't he acting as you did, as tally man?
A. I had supervision of the whole business.
Q. He ranked as a tally man?
A. I don't know whether you would call him tally man or boy.
Q. Why did you call him tally man?
A. I didn't. You have described him as a man.
Q. I beg pardon — I haven't described anybody. What was the capacity of this other man you have mentioned, outside of Kelly and Carty?
A. Park tally man.
Q. And for that he got a dollar a day only?
A. Yes, sir.
Q. For practically the same work that you were receiving $2 a day for, and to your knowledge he had no key to the shanty?
A. No, sir.
Q. And there was no reason why he should have?
A. No, sir.
Q. Did Mr. McShane deliver any stuff out there?
A. No, sir; not to my knowledge.
Q. About how many receipts for loam did you average a day at this time?
A. Well, I couldn't tell you.
Q. Well, one hundred.
A. One hundred a day?
Q. Yes.
A. I told you that we received anything from 50 to 950 loads a day.
Q. Well, on an average — you would average 500 a day, wouldn't you? Don't you think for a month, sir, that you would average 500 receipts for loam a day?
A. Probably might.
Q. Don't you think you did have as many as that?

A. I have no recollection of it.
Q. Well, can you approximately state any number of loads?
A. No.
Q. Do you know a man named Coleman?
A. Yes, sir.
Q. He delivered loam there?
A. Yes, sir.
Q. He is a general contractor?
A. Yes, sir.
Q. Do you know anything about him personally?
A. No, sir.
Q. I mean, have you ever met him?
A. I have met him on the job.
Q. You issued receipts to him?
A. Yes, sir.
Q. How much work did Hasty do there?
A. Considerable.
Q. Did Hasty do as much as Coleman?
A. I couldn't tell you.
Q. Do as much as Dolan?
A. Probably did — probably did more.
Q. Well, you know there was one of those contractors who did the greater part of that work, don't you?
A. No, sir.
Q. You don't?
A. Hasty and Coleman put in considerable loam there for awhile — probably had forty or fifty teams apiece on.
Q. Whose teams delivered the loam?
A. Couldn't tell you.
Q. Well, Park Department teams or contractors' teams?
A. Contractors' teams.
Q. Do you know what they were paying for loam at that time?
A. I understand 66⅔ cents a yard?
Q. You didn't know that yourself?
A. No, sir.
Q. Now, any voucher or any receipt that you might give would be accepted, as far as you know?
A. Yes, sir.
Q. As final by the department?
A. That is, anything that came off the check-book.
Q. Well, you don't recall any receipt you ever gave coming back to you, do you?
A. No, sir.
Q. Now, did you do the spreading of the loam there at all?
A. Sometimes.

Q. Well, how was it spread?

A. Well, anything from a foot to four or five feet deep.

Q. Four or five feet deep?

A. Yes, sir.

Q. Do you recall where it was spread four or five feet deep?

A. Over towards Seaver street.

Q. What were they doing in that territory when they were spreading loam four or five feet deep?

A. There was a cellar that they filled in.

Q. Filled in a cellar with the loam?

A. Yes, sir.

Q. Cellar for what?

A. I suppose a house or barn, or something that stood there before that.

Q. Did you understand that they were building a barn or house for the city there at that time?

A. No, sir.

Q. These were vacant cellars?

A. Yes, sir.

Q. And, so far as you personally know, they were filling these vacant cellars with loam?

A. Yes, sir.

Q. Do you know anything about any gravel being there at that time?

A. No, sir.

Q. Any gravel being in the neighborhood?

A. No, sir.

Q. Can you say personally whether or not they could obtain gravel in that neighborhood?

A. I couldn't say for sure, but one contractor told me he thought it would be a good idea to put in filling instead of loam.

Q. Now, who was the contractor, Mr. Dolan, who told you it would be a good idea to put filling in the cellars instead of loam?

A. Murphy.

Q. What Murphy — do you know his initials?

A. A Dorchester man.

Q. Lives in Dorchester?

A. Yes, sir; working for his father, I believe, at the time.

Q. Do you know anything about filling, yourself?

A. About filling?

Q. Yes, the general idea of filling holes in a cellar, or whatever they may be?

A. I could tell when it was filled up.

Q. I presume anybody might do that; but did you at that time consider that loam was a proper thing to fill a cellar with?

Mr. MATTHEWS. — Where were these cellars?

Mr. LUNDY. — Located around there somewhere.

The WITNESS. — Off Seaver street.

Mr. MATTHEWS. — In the park?

Q. (By Mr. LUNDY.) Pierce farm, isn't it?

A. I don't know whose farm — I'm not personally acquainted with the persons who owned it.

Q. Off Seaver street, there?

A. Yes, sir.

Q. Do you know how many cellars there were?

A. There were one or two — I wouldn't say how many. I would swear there was one.

Q. And you would also swear that they filled in somewhere from three to six feet of loam in those cellars?

A. Only three to five feet — wouldn't go as high as six.

Q. Three to five?

A. Yes, sir.

Q. At least three?

A. Yes, sir.

Q. And that was used purely as filling, was it?

A. Yes, sir.

Q. Do you know of any other filling going in around there?

A. No, sir; only on the slopes.

Q. Well, what was the material used for ordinary filling there while you were there, in other places?

A. Loam is what they used.

Q. Well, do you mean to say to the committee that for all the filling they did they used loam?

A. Yes, sir.

Q. Ever see them use any gravel at all?

A. No, sir.

Q. I will make myself plain, Mr. Dolan — I mean not filling for trees, or anything like that, but simply filling up spaces?

A. I never saw them use anything but loam while I was on the job there.

Q. Aside from those cellars there, did you see them fill other places?

A. On slopes.

Q. What did they use on slopes?

A. Loam.

Q. After filling in the slopes, do they plant?

A. Yes, sir.

Q. Well, on the slopes you speak of they probably planted later?

A. Yes, sir.

Q. And then that use of the loam would be entirely proper, would it not?

A. I suppose so.

Q. But these other holes you have described, there would be really no use agriculturally for loam there?

A. I don't understand you.

Q. They simply filled up a hole in the ground with loam, did they, in some places?

A. Yes, sir; graded it off.

Q. You had no idea at that time what loam was worth generally, did you?

A. A slight idea.

Q. Well, now, you have said that you heard that. Of course, that isn't your knowledge, and that doesn't make any difference — you heard that they were paying 66 cents and a fraction for it?

A. Yes, sir.

Q. Well, do you know what loam was worth generally at that time — personally, I mean, not what you heard from anybody? Did you know anything about the price of loam at that time?

A. I went to work for a contractor before I went to work in the department, and, as far as I understand, we used to get a dollar to a dollar and a quarter a load — that is, for about forty feet.

Q. It never goes below sixty cents, does it?

A. I shouldn't think it would.

Q. From your experience, what do you know about the price of filling — say for an ordinary cellar?

A. I don't know, sir.

Q. Does it ever go as high as a dollar a load?

A. I shouldn't think it would.

Q. Did you ever know it to go as high as fifty cents a load?

A. No, sir.

Q. Well, about this time, do you know whether or not it ever went higher than thirty cents a load — filling?

A. I don't know. I never bought any of it. I should think, to the best of my judgment, twenty-five or thirty cents a load is about all filling would be worth.

Q. And you think filling at that price would have been just as serviceable in filling up cellars, do you?

A. Yes, sir.

Q. Now, about the quality of loam delivered there, Mr. Dolan — did you take any particular note of that?

A. Well, I was supposed to.

Q. Now, did you?

A. Yes, sir.

Q. You did as you were supposed to do?

A. Whenever I had a chance I had to do it.

Q. Well, you were pretty busy there?

A. Yes, sir.

Q. And didn't observe the whole of it?

A. Yes, sir.

Q. Now, so far as you observed it, was it good loam?

A. Some of it was and some of it was not.

Q. Now, how much of it was not good?

A. I couldn't tell you.

Q. Well, was there any considerable quantity of loam there that wasn't good?

A. I couldn't state, sir.

Q. Well, you have already stated, I understand, to the committee, that there was some loam you saw that was not good?

A. Yes, sir.

Q. And, of course, there was considerable that was good?

A. Yes, sir.

Q. Now, can you state any way definitely to the committee who supplied the good loam and who supplied the bad?

A. No, sir.

Q. Well, was it mixed?

A. Mixed.

Q. How did you come to distinguish it?

A. By finding it out.

Q. How did you find it out?

A. Looking at it; examining it when it came in. If I got my eye on any load that I thought wasn't right I would examine the loam.

Q. And after you examined it and found it was bad, what did you do?

A. Sent it back if it wasn't good; refused to give a ticket for it.

Q. How many cases do you recall where you sent the loam back before it had been dumped?

A. Oh, two or three.

Q. And do you recall who the contractors were who attempted to deliver that?

A. No, sir.

Q. Did you make any records of that at the time?

A. No, sir.

Q. Well, do you recall any loads of filling, loam, which you refused to give checks for?

A. Yes, sir.

Q. How many?

A. Only one on that job.

Q. Now, you remember who delivered that, don't you?

A. Yes, sir.

Q. Who was it?

A. Contractor Broderick of Dorchester.

Q. You refused to give a check for that?

A. Yes, sir. I showed Mr. Pettigrew the loam and Mr. Shea, both, and Mr. Jeffery.

Q. And what did Jeffery, Shea and Pettigrew say about that?

A. They considered that it wasn't any good.

Q. And ordered you not to give a check for it?

A. Yes, sir.

Q. Did you pay any particular attention after that incident to the loam that Broderick delivered?

A. Yes, sir.

Q. And whether or not after that Broderick delivered good loam?

A. As far as I know he did.

Q. You say you examined all his loads?

A. I couldn't examine them all.

Q. After that incident, of course, you paid more or less attention to Broderick's loads?

A. Yes, sir — looked at those whenever I had a chance.

Q. You were more or less suspicious of him after that?

A. Yes, sir.

Q. Describe briefly the quality of that inferior loam, if it was loam at all?

A. I would call it street cleanings.

Q. And by that you mean mud?

A. I don't know whether they call it mud at Dorchester, but whatever street cleanings consist of.

Q. Anything but loam was it?

A. Anything but loam.

Q. Isn't it possible that any number of loads of that quality of stuff may have been put in there?

A. Might have been.

Q. And you were so busy that some of those loads might have got in, for all you know?

A. Might have, sometimes.

Q. While you were examining the loam, examining the quality of it, was this other man, who ranked as a tally man, examining it?

A. No, sir.

Q. What was he doing while you were measuring?

A. Tallying all the time.

Q. He was tallying, too?

A. Yes, sir.

Q. He measured?

A. No, sir.

Q. Did he take records from you?

A. No, sir.

Q. What did he do?

A. Did the tallying.

Q. Now, as I understand it, what you were doing was tallying?

A. Yes, sir.

Q. I have asked you what this other man was doing while you were doing the tallying on these particular teams?

A. He was tallying. We kept a double tally all the time.

Q. Then you were both tallying the same teams?

A. Yes, sir.

Q. Two men measured the teams?

A. No, sir; only one.

Q. Were two men required in the measurement of one team?

A. No, sir.

Q. Will you explain, Mr. Dolan, to save time and questions, just what this other man was doing?

A. The other man was tallying all the time, and I did the measuring, and when I wasn't measuring I was tallying, and when I was measuring Mr. Jeffery took the tally-sheets — the foreman.

Q. I understand that you worked together there?

A. Yes, sir.

Q. And all this time Carty and Kelly were making receipts for loads delivered some time before?

A. Yes, sir.

Q. How long did you work every day — how many hours?

A. About twelve, I suppose — worked about nine on the park and about three during the evening, in the house.

Q. In your own house?

A. Yes, sir.

Q. And what did you do during those hours?

A. Writing.

Q. At night you were writing what?

A. Writing loam checks.

Q. Well, how much did you depend on your memory in making those loam checks?

A. I carried a tally-sheet with me.

Q. All the time?

A. Yes, sir.

Q. Made your memoranda in the daytime?

A. Yes, sir.

Q. In lead pencil?

A. Yes, sir.

Q. And did you afterwards forward those tally-sheets to the Department?

A. No, sir.

Q. Where are they now?

A. Destroyed, I suppose.

Q. That was your habit — to destroy the tally-sheet after you had used it?

A. Yes, sir.

Q. Who provides those tally-sheets?

A. The Park Department.

Q. That isn't an idea of your own, at all then, is it?

A. No, sir.

Q. And the Park Department furnishes those tally-sheets for the purpose of saving time?

A. No, sir.

Q. What for?

A. In case they couldn't furnish checks enough, they allowed you to use any kind of a sheet, tally-sheet, book, or anything of the kind, that you wanted to use.

Q. And, as you understood your duties, the Park Department would permit you to make an original record upon those tally-sheets if the books ran out?

A. Yes, sir.

Q. When the books ran out?

A. Yes, sir.

Q. Do you recall any time when the books ran out?

A. Yes, sir.

Q. How often?

A. Four or five times.

Q. And to what extent?

A. A couple of days.

Q. When the books ran out, you made the original entries of the loads of loam on the tally-sheets?

A. Yes, sir.

Q. And those original entries on the tally-sheets are in the possession of the Park Department?

A. No, sir.

Q. Were they transferred?

A. Not that I know of.

Q. Well, transferred those records to another book?

A. No, sir; didn't have no book.

Q. Did you destroy those record sheets?

A. Certainly.

Q. Perhaps you don't understand me. You state that for several days there you were without the proper record books for loam. Is that so?

A. Yes, sir.

Q. And during those days you made a record of the number of loads of loam received upon this tally-sheet?

A. The regular tally-sheet that we used for tallying the loam.

Q. Now, I ask you, what became of those original tally-sheets upon which you had recorded the number of loads received, during the days upon which you had no books upon which to record them?

A. We used to make a report every morning to the foreman, Mr. Jeffery.

Q. Did you hand these sheets to Mr. Jeffery?

A. Yes, sir; if he wanted them.

Q. Whether he wanted them or not, wasn't it a part of your duty to hand them to him?

A. I don't know whether it was or not. They were in the shanty, and he had the privilege of examining them every day.

Q. But you destroyed the original sheets containing those original entries — in fact, the sole entries — the same as the other sheets?

A. All the same sheets. We didn't make a copy of them.

Q. I understand, but there were times when you didn't have the books?

A. Yes, sir.

Q. And at those times you made records on those sheets?

A. The same sheets.

Q. I understand, but different entries?

A. The same entries. What we tallied to-day, we would leave in the shanty.

Q. I know, but you would tally up the same night, wouldn't you?

A. Not always.

Q. Then, all the records you ever made on any tally-sheet were afterwards filled out in the books?

A. Yes, sir — that is the loam books.

Q. How often did young Kelly take those books home to make them up?

A. He never took the books home to make them up.

Q. You know that positively?

A. Yes, sir.

Q. Did anybody else take the books, besides yourself?

A. What books?

Q. Books of record, receipts of loam?

A. The only book Kelly took home is a book to write it out.

Q. What book did he take?

A. Took a loam book home and wrote it out — not all the way through.

Q. Part of a book?

A. Yes, sir.

Q. Those were receipt books?

A. Yes, sir.

Q. How much writing would he have to do in those?

A. All he would have to do is to put "Received" according to form, without putting any contractor's name on it.

Q. Well, he would make a record of certain loads of loam delivered would he, on those checks?

A. No, sir.

Q. Tell us what the body of the writing would be?

A. According to what was on the book.

Q. What would it naturally be?

A. "Received at Franklin Park."

Q. Yes, and the initials?

A. What initials?

Q. Anybody's initials.

A. No, sir.

Q. Did Kelly sign anybody's initials?

A. No, sir.

Q. You swear that Kelly never did sign any initials, to your knowledge, at that time?

A. No, sir.

Q. According to your testimony, all Kelly had to do was to write two or three words?

A. That is all.

Q. Who instructed him to do that?

A. I did.

Q. Did you think it was safe?

A. Yes.

Q. And he was simply asked to write "Received at?"

A. Sure.

Q. As a matter of fact, doesn't it state on your loam book, "Received at?"

A. Yes, sir, — "Franklin Park."

Q. Had to write "Franklin Park?"

A. Yes, sir.

Q. And you gave him a book to take home to write the words "Franklin Park"?

A. Yes, sir; and whatever other words was on it.

Q. Well, what else could be on it?

A. Well, "Loam."

Q. What else — "Received at Franklin Park loam" — blank loam, I suppose?

A. That is it.

Q. Were the spaces left for the number of loads?

A. Part of them.

Q. Then all he had to write was "Franklin Park" and the word "loam?"

A. Cubic feet — that is all he had to put down.

Q. That is all he had to do?

A. Yes, sir.

Q. Did Carty ever take home any books?

A. No, sir.

Q. Why was this work delegated to Kelly?

A. Because Kelly was very fond of working overtime.

Q. Now, to get right at it, you say he was fond of working overtime?

A. That is what he told me. He asked me if he could take a book home and write it out at night.

Q. Did Kelly appear to be fond of work in any other direction?

A. Only in writing, that is all.

Q. And particularly fond of that work that was overtime?

A. Seemed to be.

Q. And seemed particularly anxious to work at night?

A. Yes, sir.

Q. And on the particular matter of making out these books — that is so?

A. Yes, sir.

Q. Now, did anybody ever recommend to you Kelly for this particular kind of work?

A. No.

Q. But you took him at his word and gave him these books to write out?

A. Gave him a book once or twice a week, probably.

Q. And those books he took came back to you?

A. To the best of my knowledge.

Q. Why do you say "To the best of your knowledge?" Don't you know they all came back?

A. Yes, sir.

Q. You kept a record of the books given to Kelly?

A. Yes, sir.

Q. What kind of a record?

A. In my mind.

Q. You didn't have him give a receipt for these loam books?

A. No, sir.

Q. You know these loam books would be valuable?

A. Yes, sir.

Q. And you knew it would be possible for a man with one of those loam books in his possession to profit from them?

A. I don't think it would at that time.

Q. But at any time?

A. Probably outside of that job it might have.

Q. Why not on that job?

A. Because they kept an account of every load, and it had to go on the foreman's report every morning.

Q. But you didn't keep a record of the number of books you ever gave Kelly to fill out?

A. No, sir.

Q. Did you ever give him more than one book to work on at night?

A. No, sir; if the book was not back in the morning I used to send him down to the house for it.

Q. Do you recall cases where the book was not back in the morning?

A. Yes, sir; probably twice.

Q. Did you ask Mr. Kelly his excuse for not bringing the book back at any time?

A. He said he forgot it.

Q. And did you send Kelly after it?

A. Yes, sir.

Q. But Kelly was the only man who ever went to his house to get books?

A. What house?

Q. Kelly's house?

A. That is the only man I ever asked that got a book from me.

Q. Kelly?

A. Yes, sir.

Q. And Kelly was the only man that ever brought that book home?

A. Yes, sir.

Q. Do you know whether or not this man Carty ever made out a receipt?

A. Certainly.

Q. How do you know?
A. I have seen him.
Q. Do you know Carty's handwriting?
A. I couldn't tell it.
Q. Know Kelly's?
A. No, sir.
Q. Never observed them as closely as that?
A. No, sir.
Q. Did you ever see Mr. Kelly in conversation with any of the representatives of the Park Department officials?
A. No, sir.
Q. Never did?
A. No, sir.
Q. Never saw any of the officials place any particular confidence in Kelly, did you?
A. No, sir.
Q. They never noticed him more than anybody else?
A. No, sir.
Q. Well, did you notice him more than any other employee there?
A. No, sir.
Q. And all you know about Kelly particularly is that he came to you and volunteered to do this work at night?
A. All I know is he was sent to me by Mr. Jeffery. He was acting as a water boy, and was sent to help me out.
Q. Was sent to help you out?
A. Yes, sir.
Q. And he volunteered to do this work at night?
A. Some of it.
Q. Who was Carty assisting?
A. Assisting me, I suppose.
Q. He wasn't sent to you to do that work at night, was he?
A. No, nor nobody else was sent to do it for me at night.
Q. Who supplied you with the books — Mr. Jeffery?
A. Yes, sir.
Q. Do you know of your own knowledge where he got them?
A. Pine Bank.
Q. From whom?
A. Mr. Timson, I suppose.
Q. Do you know Mr. Timson?
A. Yes, sir.
Q. Ever have any conversation with him?
A. No, sir; nothing more than —
Q. "How do you do?"
A. "How do you do?"

Q. Don't talk with him about loam-books?

A. No, sir.

Q. Who brought the book to you?

A. I got them at the nursery at Franklin Park a couple of times.

Q. They were delivered to you?

A. When I went for them.

Q. But when you didn't go yourself?

A. Mr. Jeffery used to send a boy for them.

Q. Do you know the boy's name?

A. Gorman.

Q. What are his initials?

A. Michael — that is all I know about it.

Q. Well, do you know what Gorman's work was?

A. Yes, sir.

Q. What was it?

A. Laborer.

Q. And do you know how Gorman was rated at that time?

A. Laborer.

Q. How old was Gorman at that time?

A. Probably twenty-three — might be twenty-five; I didn't know his age.

Q. You wouldn't say that he was eighteen, would you?

A. Say he was under eighteen? No, sir; he was a voter.

Q. You know he was a voter?

A. Yes, sir — he is a voter now; voted the last two years, to my knowledge.

Q. Well, that isn't always conclusive, either.

A. Whether he is of age or not, no — lots of minors voting.

Q. Where does Gorman live?

A. On Burnett street, Jamaica Plain.

Q. All these loam books you got, you got on an order, of course?

A. Yes.

Q. And who furnished the order?

A. Mr. Jeffery.

Q. Now, do you know a young man named Joseph Maguire?

A. Yes, sir.

Q. What was Joseph Maguire doing when you knew him?

A. Acting as office boy, in the nursery.

Q. And how long was Joseph Maguire there, to your knowledge?

A. He was there while I have been there.

Q. And what was Joseph Maguire's particular duty?

A. I think, while I was over there, he used to answer the telephone and deliver the goods used in the storehouse.

Q. What goods would you have in the storehouse?

A. Picks and shovels, lead pencils, blocks of paper, loam books sometimes.

Q. Then he had general charge of the supplies, did he?

A. I couldn't say whether he did or not — generally acted in that capacity.

Q. And you have seen him on a number of occasions deliver these supplies, have you?

A. Yes, sir.

Q. Have you seen him on these occasions get an order from anybody, when he delivered them?

A. At one time there you couldn't get a lead pencil without an order.

Q. At the time I am asking you about now could you get a lead pencil without an order?

A. No, sir.

Q. Do you know any time when you could get anything from Maguire without an order?

A. Nothing but a lead pencil or a small block of paper.

Q. When did you see Maguire last?

A. I think it was about the the 10th of February.

Q. Of this year?

A. I think so.

Q. Well, do you know what he was doing then?

A. Acting as time-keeper.

Q. In the Park Department?

A. Yes, sir.

Q. Well, do you know where he was acting as time-keeper?

A. Well, I suppose all over Franklin Park.

Q. Well, that was his section, was it?

A. Up in the Bussey, up on the ledge — I worked at the ledge, and he acted as time-keeper there, and acted as time-keeper at West Roxbury and Franklin, both.

Q. Well, at any time when you knew Maguire, was he under Mr. Shea?

A. Was he under Shea?

Q. I mean directly under him?

A. I couldn't tell you. I suppose all employees would come under Mr. Shea, as well as Mr. Pettigrew.

Q. I understand they would come under the Park Commissioners — but I mean directly under Mr. Shea?

A. Not to my knowledge.

Q. Who did you turn in your stub books to at that time?

A. Sent them all back to Pine Bank.

Q. Send them or deliver them yourself?

A. Sent them.

Q. By whom?

A. Whoever took them over.

Q. Now, name some one who did take them over?

A. I suppose they used to go over there with the boy that used to come around after the time.

Q. I don't ask you what you suppose?

A. I know a boy used to come for the time, and used to take the books back.

Q. Who is he?

A. A boy named Howe.

Q. Is he in the Park Department now?

A. I suppose he is.

Q. Whose office is he attached to?

A. Mr. Timson's office.

Q. Do you remember where you were in July and August of 1898?

A. Yes, sir.

Q. Where?

A. Franklin Park.

Q. The same place?

A. A little farther over.

Q. Doing about the same work?

A. Yes, sir.

Q. How much loam were you receiving a day then?

A. Oh, anything from five loads to a hundred.

Q. Were you restricted on the number of loads you received in that part of the park?

A. Yes, sir.

Q. Restricted to how many loads?

A. Not to receive over one hundred loads a day.

Q. Why was that order issued, if you know?

A. I don't know.

Q. What form did the order take? Did you get it personally from some official, or was an order issued?

A. Mr. Shea told me.

Q. What did he tell you?

A. That there were four contractors there with five teams apiece, and not to receive over one hundred loads from the four of them.

(At request of counsel the stenographer repeated the last answer.)

Q. What did you understand that to refer to — the mere number of loads that you would receive, or did you understand anything beyond that?

A. No, sir.

Q. Well, who were the contractors there with a certain number of teams who delivered the loads?

A. Hasty.

Q. Who else?

A. Coleman.

Q. Yes.

A. Sexton. I don't recollect the other man's name.

Q. Was Dolan there?

A. No, sir.

Q. Was Whitmore there?

A. No.

Q. Coleman there?

A. Yes, sir.

Q. He is there?

A. Yes, sir.

Q. And had you named him before?

A. Yes, sir.

Q. You can't remember any other contractor?

A. I think afterwards Mark Lynch hauled some in there.

Q. Well, was Mark Lynch hauling in stuff at this time that you were limited as to the number of loads per day?

A. No, sir; he came afterwards. He hauled in one or two days, and then the job was shut down.

Q. Now, on this particular job do you recall any material that was brought in there for loam that wasn't loam?

A. Yes, sir.

Q. And do you recall whether or not Mr. Pettigrew examined that?

A. Yes, sir.

Q. And upon whose suggestion did Mr. Pettigrew examine it?

A. Mr. Coleman hauled loam in there, and the foreman of the job found fault with it.

Q. And who was foreman of the job?

A. Mr. O'Brien.

Q. And did you hear Mr. O'Brien find fault?

A. Yes, sir.

Q. And Mr. Pettigrew examined that loam?

A. He examined the loam.

Q. And then he rejected it, didn't he?

A. Yes, sir.

Q. And what remark, if any, did Mr. Pettigrew make on rejecting that load of loam?

A. He said it wasn't loam. He called it decomposed sand.

Q. Now, did you have any means of observing the quality of the stuff delivered in the name of loam at that same place by that same contractor?

A. Yes, sir.

Q. And did you notice it more particularly after this ncident?

A. About a week afterwards.

Q. And for a week afterwards was it good loam that he delivered?

A. Yes, sir.

Q. Why did you drop it at the end of the week?

A. I couldn't tell you.

Q. You cannot tell why you failed to pay any particular attention to that loam afterwards, can you?

A. Afterwards?

Q. That particular contractor's, I mean.

A. About a week afterwards, after Mr. Pettigrew examined this load, the teamster started to haul in again a load, and I didn't like the looks of it, and I got up in the contractor's team and examined the load, and Mr. Pettigrew was on the ground and I called his attention again to it. I considered it the same kind as Mr. Pettigrew rejected.

Q, What did Mr. Pettigrew say then?

A. He got up on the wheel, took a handful out, and said "Don't accept anything worse."

Q. Did he accept that load of loam?

A. Yes, sir.

Q. And told you not to take anything worse?

A. Yes, sir.

Q. And to your best knowledge and opinion it was the same as that which he had rejected a week before?

A. To the best of my knowledge and opinion it was the same loam.

Q. Delivered by the same contractor?

A. Yes, sir.

Q. And he was whom?

A. Mr. Coleman.

Q. Have you seen Mr. Pettigrew, Mr. Shea, or any other officials, in conversation with Coleman?

A. No, sir.

Q. Do you know Coleman yourself?

A. Only to see him at Franklin Park.

Q. You never had any talk with him about loam?

A. No, sir.

Q. That is the Coleman of the firm of A. J. C. Coleman & Son?

A. J. C. Coleman, I think. The only conversation I heard was one time when he said that if Shea would let him put on ten teams he would furnish a tow team.

Q. If he would let him put on ten teams he would furnish a tow team?

A. Yes, sir.

Q. What does that mean — a couple of horses?

A. Yes, sir.

Q. This was difficult ground to get over, was it?

A. Yes, sir.

Q. Did he tell you he had made that proposition to Mr. Shea?

A. No, sir.

Q. Now, how long after this deposit of loam, so-called, did Mr. Coleman continue to deliver stuff there?

A. Oh, probably three or four weeks.

Q. Well, during those three or four weeks that he continued to deliver loam, did he deliver loam of the quality that Mr. Pettigrew accepted, saying to you to take no worse?

A. No, sir. About a week afterwards Mr. Shea came in there one day and called Mr. Pettigrew's attention to it, and that night the teams were knocked off, laid off.

Q. Then, you say upon Mr. Shea's suggestion this quality of loam that Mr. Pettigrew had been accepting was rejected? Is that so?

A. Yes, sir; so far as I know.

Q. And that contractor, as far as you know, at that particular time was discontinued, on Mr. Shea's recommendation?

A. Yes, sir; for a couple of days.

Q. Well, he came back after a couple of days?

A. Yes, sir.

Q. What quality of loam did he deliver then?

A. Very good loam.

Q. And from that time until the time when you discontinued your work there, did Coleman deliver good loam?

A. Yes, sir; as long as he was on the job.

Q. And did Pettigrew and Shea personally inspect the loam after that time?

A. Yes, sir.

Q. Well, much of it?

A. Both of them came over there for a couple of days afterwards every morning — used to come together.

Q. Did either of them ever make any comment to you on the quality of that loam?

A. No, sir.

Q. You were in Marine Park some time, weren't you?

A. I was there for about two weeks.

Q. And what year was that?

A. 1899 — the fall.

Q. That was last year?

A. Yes, sir.

Q. Did you notice the depth of loam there?

A. Yes, sir.

Q. Can you say now what it was?

A. To the best of my judgment ten inches, eight to ten inches.

Q. Do you know of any place where it was more than ten inches?

A. No, sir.

Q. I mean, aside from particular tree holes, taking the general surface?

A. No, sir. In some places you might find it a little more.

Q. At any place would you find it a little less?

A. Yes, sir.

Q. Well, how much less?

A. I couldn't tell you.

Q. Well, is there any place where the depth is as low as six inches?

A. I wouldn't say as to that, only on one part of it.

Q. And in this particular one part, how little loam was there?

A. It was on the border of the beach — looked as though there might have been a washout there at one time — a little bit slack on the edges there.

Q. And there it was as low as how many inches — three inches?

A. Probably five or six inches.

Q. Five or six inches?

A. Yes, sir.

Q. Who did your work under there at Marine Park?

A. Mr. Fischer.

Q. And your business there was planting trees, was it?

A. Yes, sir.

Q. Now, whether or not there were a great number of young trees planted there at this time?

A. Yes, sir.

Q. And what appeared to be the condition of the soil there?

A. Well, it was pretty good as far as it went.

Q. Well, did it go far enough to sustain the life of a young tree?

A. Well, that is something I don't understand. I am not very well posted on that.

Q. I understand, but you know mud from loam?

A. Yes, sir.

Q. Know mud from good ground?

A. Yes, sir.

Q. Now, what was it there — mud, loam, good ground, or what was it?

A. Anything under eight or ten inches you found mud?

Q. And above that what was it?

A. Loam.

Q. As far as you know, was there enough good loam there to sustain the life of a tree or to plant a tree in?

A. No, sir.

Q. "No, sir" — is that your answer?

A. Yes, sir.

Q. Well, do you know of trees being planted in places where to your personal knowledge, there wasn't sufficient loam to plant them?

A. Yes, sir — planted trees in Marine Park that there wasn't loam enough to cover them — had to plant them in the mud.

Q. Had to plant trees in the mud?

A. Yes, sir.

Q. And how many of those trees should you say there were?

A. I couldn't tell — probably thirty or forty.

Q. And all those trees came under your personal observation?

A. No, sir.

Q. Well, you know that is so, do you?

A. What is that?

Q. You know those trees were planted in mud?

A. I know some of them there, because I helped to plant them.

Q. Did you make any comment on that at the time?

A. I could see them myself, that is all.

Q. Well, did you hear Mr. Fischer say anything about it to you?

A. No.

Q. Or in a party where you were present?

A. No.

Q. Plant any shrubs there?

A. Yes, sir.

Q. About how many?

A. Couldn't tell you. We were there for about two weeks — worked ten hours a day while we were there; worked an hour overtime every day.

Q. Now, did the same condition as to shrubs prevail as did in regard to trees?

A. No, sir; you could find places according to the size of the shrubs, and some trees you couldn't find loam enough to cover them.

Q. Well, whether or not you did find some shrubs that you didn't have loam enough for?

A. No, not to my knowledge.

Q. Did you find that you had to plant shrubs in ground that wasn't fit to plant them in?

A. The shrubs were very small that went there.

Q. You could plant them in anything — is that it?

A. Plant them anyway, in anything you could get hold of.

Q. Then it didn't make any material difference what the soil was for the shrubs that you planted?

A. Not to us.

Q. Have you any idea personally how much loam there should have been on this surface where you planted these trees?

A. No, sir, I understood it was supposed to be 18 inches deep when we went over there.

Q. But it wasn't when you got there, was it?

A. No, sir.

Q. At any place?

A. It might have been — in a few corners you might have found eighteen inches.

Q. The roots of all these trees were completely covered?

A. Yes, sir; had to cover them before we left them.

Q. And they were covered properly?

A. Yes, sir.

Mr. LUNDY. — That is all, Mr. Dolan.

Q. (By the CHAIRMAN.) Mr. Dolan, did you have the responsibility of seeing that there was a correct account and receipt given of the amount received from the contractors where you were working?

A. Well, I couldn't tell who was responsible for it — whether it was Mr. Jeffery or I.

Q. Well, don't you know whether or not you were held responsible for all the loam taken and receipted for where you were working?

A. Well, as far as I could understand I had to give a report every morning to Mr. Jeffery and my report had to go in on Mr. Jeffery's report.

Q. You had charge of some of the loam receipts, didn't you?

A. Yes, sir.

Q. How many receipts are there in one of those books?

A. 100.

Q. Did you think it was right to give one or more of those books to anybody to carry home to his house?

A. Yes, sir.

Q. You did?

A. Yes, sir.

Q. Aren't they very valuable books?

A. It was all right as long as it was an employee, as far as I always understood.

Q. There was nothing alarming, then, to you, about giving them to anybody you pleased?

A. No, sir. The heads of the departments knew it was going on; Kelly got paid for his overtime, as I understood.

Q. Did he get paid overtime for doing that?

A. That is what I understood.

Q. Only a few words, you say — couldn't he have written them out in the little shanty you had there?

A. No, sir; didn't have time.

Q. Two words on each receipt — couldn't you have done that yourself?

A. No, sir — there may have been a dozen — I couldn't do it — didn't have time.

Q. Now, did this Kelly boy take this book home and do it at his house?

A. Yes, sir; I had to do the same thing myself.

Cross-Examination.

Q. (By Mr. MATTHEWS.) Mr. Dolan, I haven't got a stub book for any of your jobs, but I have one for Marine Park here. They were all substantially like that, weren't they? (Handing book to witness.)

A. (Examining book.) Yes, sir.

Q. That is, one hundred stubs like these, with receipts attached, which you would remove as you went along?

A. Yes, sir.

Q. And that (pointing to the receipt form) would be blank, of course, except here?

A. Yes, sir — that is all.

Q. You had occasion to use these often early in the morning, when the teams would arrive?

A. Yes, sir.

Q. And, in order to get a few blanks filled out you would give them to young Kelly to work up the night before?

A. Yes, sir.

Q. And when you gave them to him to work up there wouldn't be any figures or signature on them?

A. No, sir.

Q. And all Kelly would do would be to fill in "Franklin Park" against the words "Received at"?

A. Yes, sir.

Q. And "loam" against the word "load"?

A. Yes, sir; and put down the figure "1" against there.

Q. "D" means "double," doesn't it?

A. I never made that out in that way.

Q. Would you put "2"?

A. No, sir; I used to put down "1."

Q. You did?

A. Yes, sir; one load of loam.

Mr. MATTHEWS. — I would like to show this to the committee so that they can understand the system.

Mr. LUNDY. — I have seen that.

Mr. MATTHEWS. — I don't know that the committee have.

Mr. LUNDY. — Probably they have not.

(Mr. Matthews showed the blanks to the committee, and explained them.)

Q. (By Mr. MATTHEWS.) Mr. Dolan, that is to say, when this book came back from Kelly — and you got it back in the morning —

A. Yes, sir.

Q. — there wouldn't be any signature on the checks, of course?

A. No, sir.

Q. Or any figures written in?

A. No, sir.

Q. It was only a scheme to save time?

A. Unless I told him at any time that we wanted 100 loads.

Q. Do you remember such an amount?

A. Yes, sir; and he would put that on.

Q. But when you gave them to Kelly, or when Kelly brought them to you, there wasn't anything that could be used to get money out of the city on?

A. No, sir.

Q. This loam filled into the cellars along Seaver street was used for planting, wasn't it?

A. Yes, sir, — it was used for planting afterwards. I have seen trees over it.

Q. This loam that was tumbled into the spaces formerly occupied by cellars has since had trees and shrubs planted in it?

A. Yes, sir.

Q. Now, about these trees that you say were planted in poor loam or mud at Marine Park, thirty or forty of them?

A. I couldn't tell whether there were thirty or forty.

Q. I thought you said that?

A. There was somewhere about that.

Q. Could you point out on the map just where they were?

A. No, sir.

Q. In one place, or scattered about?

A. Scattered about. We were very busy over there, in a hurry.

Q. Have you see those trees since?

A. No, sir; never in Marine Park since.

Q. You don't know what condition they are in now?

A. No, sir.

Q. You never have been connected with the nursery system of the Park Department?

A. No, sir.

Q. Or with the planting done in the department, except this?

A. That is all. I worked there from January to June, somewheres about there, under Mr. Fischer.

Q. You wouldn't consider yourself an expert in planting trees or shrubs?

A. No, sir.

Q. (By the CHAIRMAN.) I want to be clear on another point. You say that Kelly got paid for overtime?

A. As far as I understood it, he was.

Q. Did you carry home books and work on them yourself?

A. I carried home books and worked on them, made out the whole business.

Q. Did you get overtime?

A. No, sir. I got wet, rainy days.

Q. Must have been pretty busy when you didn't have time to do this work daytimes?

A. Yes, sir; very busy.

Q. The Park Department was very short of men?

A. Well, seemed so at that time — men or boys.

Q. You say on an average that you would find six, eight or ten inches of loam on Marine Park?

A. I called it an average of ten inches — eight or ten inches.

Q. What do you base your opinion on? Did you measure it?

A. No, sir. I was working there through the day, digging and planting trees.

Q. Then you don't know whether it is six, eight or ten inches?

A. No, sir.

Q. That is simply your opinion?

A. My opinion is that it is eight or ten inches.

Q. You swear that you don't think it is more than ten inches?

A. I won't swear whether it is so or not, but I don't think it was. To the best of my knowledge I don't think it was over ten inches.

The CHAIRMAN. — Does any member of the committee desire to ask Mr. Dolan a question? (No response.) That is all, Mr. Dolan.

TESTIMONY OF PATRICK J. KANE.

Q. (By Mr. LUNDY.) Mr. Kane, what is your full name?

A. Patrick J. Kane.

Q. And where do you live, Mr. Kane?

A. No. 5 Oregon street.

Q. Where is that?

A. Roxbury.

Q. What is your business?

A. Laborer.

Q. Now, Mr. Kane, were you ever employed by the Park Department of the city of Boston?

A. Yes.

Q. In what year?

A. Last year.

Q. During the year 1899?

A. Yes.

Q. In what month did you start to go to work for them?

A. The 19th of June.

Q. Well, in what part of the park system did you go to work?

A. Leverett Park.

Q. And is that where Ward's Pond is?

A. Yes.

Q. Now, what was your particular work there in Leverett Park?

A. Well, the first time I went there, in the summer, I worked upon loam and digging out gravel and putting loam in the place of it.

Q. Digging out gravel and putting loam in the place of the gravel?

A. Yes, sir, — on the walks and roads.

Q. You don't recall placing loam in a walk, do you?

A. Well, changing it for some other purpose, you know. They took out the gravel and put loam there.

Q. Made certain plantations there?

A. No plantations yet. I don't know what they are going to do with it.

Q. Then, at the present time the spaces formerly occupied by roads are filled in with loam?

A. Yes.

Q. And beyond that nothing has been done with them?

A. Nothing.

Q. Is that a fact?

A. Yes, sir; that is a fact.

Q. Did you take part in the destruction of any features at Ward's Pond?

A. Yes, sir, — took down two bridges and threw them into the pond — stone bridges.

Q. Now, where were these bridges located?

A. There were two — one up near the well, and the other at the other end of the pond.

Q. And what was the length of these bridges?

A. Well, about ten feet, I should say.

Q. Do you know the quality of stone used in constructing the bridges, or that was in the bridges when they were destroyed.

A. Well, granite stone at the bottom and some Roxbury stone, I should say, at the top.

Q. That was what they called "pudding stone"?

A. Brown stone.

Q. Do you know anything about the quality of the stone?

A. Yes, sir; worked at it since I came into the country.

Q. Was that good stone?

A. Well, some of it was good building stone.

Q. And by building stone, just what do you mean?

A. For building walls — some of the granite stone could be used for valuable houses.

Q. Could it be used for filling?

A. Well, I should think not.

Q. Well, why wouldn't it be used for filling? Was it too valuable, do you think?

A. Well, it could be sold. A contractor would buy it.

Q. Well, you think that was stone that a contractor might buy?

A. Yes, sir.

Q. And what do you think a contractor might pay for that?

A. Probably a dollar and half a load.

Q. How much would there be in a load?

A. Over a ton — about a ton.

Q. Well, how many tons could you get out of those bridges, those two bridges?

A. I should say there were about three hundred stones there and each weighs half a ton.

Q. So there was 150 tons of stone there?

A. About that, sure.

Q. Under whose orders did you tear down the bridges?

A. The boss.

Q. Who was your boss?

A. Mr. McNulty.

Q. What was Mr. McNulty's first name?

A. Ned, I guess.

Q. Did you see any of the Park officials at any time in consultation with Mr. McNulty?

A. Yes.

Q. Who?

A. Mr. Shea and Mr. Pettigrew.

Q. Now, who told you to throw the stone into the pond?

A. The boss — McNulty.

Q. McNulty told you to throw it away?

A. Yes.

Q. Do you know personally whether any effort was made to sell that stone?

A. No, sir.

Q. How long after you destroyed the bridges was it before you threw the stone in the pond?

A. Right away — knocked down the bridges and threw it into the pond.

Q. You mean, as fast as you knocked down the bridges you threw the stone into the pond?

A. Yes, sir; used four horses and threw it right in.

Q. Did you hear any idea suggested in this case of making a slope to the pond?

A. No, sir.

Q. Then, as far as you knew at the time, the idea was simply to get rid of the stone?

A. That is all.

Q. And it was all thrown into the lake?

A. Yes, sir.

Mr. MATTHEWS. — Aren't you mixing up the stone at Jamaica pond with the stone at Leverett pond?

Mr. LUNDY. — Not at all. He is telling the story about these bridges at Leverett pond.

Mr. MATTHEWS. — Well, you spoke of the stone being thrown into the "lake."

Mr. LUNDY. — Well, I meant Ward's pond, or Leverett lake.

Mr. MATTHEWS. — I didn't know whether you meant Ward's pond or not.

Mr. LUNDY. — Yes.

Q. (By Mr. LUNDY.) Go ahead — is there anything else that you did around Leverett pond?

A. Yes, all around the pond filled in 25 or 30 feet, I should say. That is, it was dug out, and gravel was thrown in there, and two and one-half feet of loam on that, and then gravel on that again. At the present time the pond is full of water, and you can't see anything else; but if the water was lower you could see it.

Q. When you say 25 or 30 feet around there, you mean in width, of course?

A. Yes, sir; around the pond.

Q. You dug out and filled in with gravel?

A. Yes, sir.

Q. And then on top of that you placed about how much loam?

A. About two and one-half feet, I should say.

Q. And then on top of that you put gravel?

A. Yes, some gravel thrown with a shovel there, to screen it over.

Q. How much gravel should you say would be used for that purpose?

A. Not much — a couple of inches.

Q. That was done in what part of 1899?

A. About two weeks before Christmas.

Q. (By the CHAIRMAN.) You say there was two and one-half feet of loam?

A. Yes, sir; in place of the gravel.

Q. And then how much gravel over the two and one-half feet — a couple of inches?

A. Yes, just thrown with a shovel over it.

Q. (By Mr. LUNDY.) Have you been out there since then?

A. I walked around the other day there, two days ago.

Q. Do you know of anything being planted there since?

A. No, sir; I haven't seen it.

Q. Now, how much loam should you say was used there — or do you know anything about the quantity of loam?

A. Yes.

Q. How much loam should you say was thrown over that gravel?

A. There was thirty teams a day hauling for about two weeks there. I don't know how much it would amount to.

Q. Thirty teams a day steady for two weeks?

A. Yes, sir.

Q. And all the loam that those thirty teams working steady for two weeks put in there was covered up with gravel?

A. Yes, and some thrown over the slope to the wall, too.

Q. Anything planted there?

A. No, nothing planted yet.

Q. You know something of the use of loam, don't you?

A. Yes, sir.

Q. Do you know of any purpose that the loam served at that time other than as filling?

A. No, not as yet.

Q. That occurred in 1899?

A. Yes.

Q. Just before Christmas?

A. Yes, two weeks before Christmas.

Q. And you personally have seen that ground since then?

A. Two days ago.

Q. And so far as you can say at this time, that loam, so dumped, has not been utilized for any useful purpose?

A. You can't see it at all now, because it is covered with water, stones and all.

Q. Do you know personally how that water comes to flood that?

A. There is a flood-gate, and if you don't open it the pond will overflow.

Q. And such an overflow has taken place?

A. Yes, sir. It is pretty well filled up now.

Q. What else did you do at Leverett Park?

A. We filled up a little pond the other side of Ward's Pond last summer, and put some stone in there.

Q. What kind of stone?

A. Some granite stone.

Q. Where did you get that?

A. A little bridge. The water used to run from the other pond into this one.

Q. This is another bridge that you have destroyed?

A. Yes, sir.

Q. And how long was this bridge?

A. About sixty feet. It wasn't all torn down.

Q. Then, altogether, you have practically destroyed three bridges at Ward's Pond or in that neighborhood?

A. All there together, yes.

Q. And do you know of any stone from any one of the bridges having been disposed of except by being thrown into the pond?

A. We gave a load to a contractor once to take home — thought it was a pity to throw such fine stone into the lake.

Q. Who was the contractor you gave this load of stone to?

A. I don't know his name — he is at Forest Hills; I can't think of his name.

Q. Was he a contractor you saw around there a great deal?

A. Yes, sir; have teams there.

Q. Who authorized you to give a load of this fine stone to a contractor?

A. He asked the boss for it.

Q. Who was the boss — McNulty?

A. No; MacCallum at the time.

Q. James E.?

A. Yes, sir.

Q. And he gave him the stone?

A. Yes, sir — thought it was a pity to see it going into the pond.

Q. Do you know whether or not you had orders to fill up the pond?

A. Sure we had orders.

Q. So one pond was entirely filled up?

A. Yes, sir; can't see it at all.

Q. Was the pond into which they were putting the stone from this 60-foot bridge filled up?

A. Yes, sir.

Q. No pond there now?

A. No, sir.

Q. And among that stone that was used for filling, you say there is some fine granite?

A. Yes, sir.

Q. What did you do beyond that, after that?

A. Worked at Peter's Hill.

Q. What did you do there?

A. Made a road all around the hill.

Q. You were on the gang that Mr. MacCallum has spoken of there?

A. Yes, sir; Mr. MacCallum was the boss.

Q. Do you know about the changing of grades there?

A. Yes, sir; the grade was changed.

Q. Who changed it?

A. Mr. Shea and Mr. Pettigrew came around to it and used to make them change the grade on the hill — did it several times.

Q. You say that Mr. Shea and Mr. Pettigrew made various changes in the grade of that road?

A. Yes, sir.

Q. And made those changes in short spaces of time?

A. Within two or three days, sometimes.

Q. How much change would they make in the grade of that road?

A. Might be two or three inches lower to-morrow than to-day.

Q. Did you ever see Shea and Pettigrew make a change together?

A. They talked with the boss, and the boss told me that made the changes.

Q. Did you ever see Mr. Putnam there?

A. Yes, sir; I did.

Q. Do you know of working on any changes suggested by Mr. Putnam?

A. Yes.

Q. Do you know of any changes that Mr. Putnam suggested?

A. Well, I don't know who suggested them — it would be between the three of them.

Q. Did you ever see a man named Murphy there — an engineer?

A. Yes, sir.

Q. Did he make any changes?

A. I couldn't say — it was between the three of them.

Q. Wouldn't it be between the four of them?

A. Yes, sir.

Q. And you know personally that these four men suggested different changes upon that road?

A. Yes, sir.

Q. Well, beyond the ordinary work you don't know anything about road-building, of course?

A. No, sir.

Q. But you know that four different systems were employed in building that road, that four different ideas entered into the matter there within a very short space of time?

A. Yes, sir.

Q. And that the instructions contradicted one another?

A. Yes.

Q. Now, did you do any more there on Peter's Hill?
A. That is about all, I think.
Q. Has that been your entire experience in the Park Department?
A. Yes.

Cross-Examination.

Q. (By Mr. MATTHEWS.) Where was this stone that you say was dumped into Ward's Pond, which you claim was worth $1.50 a load before you put it into the pond?
A. In the bridges.
Q. That was field stone, wasn't it?
A. No, good stone before it was split up.
Q. It was Roxbury pudding stone?
A. Yes, sir.
Q. It wasn't squared stone, was it?
A. No, it was good, fair stone.
Q. It wasn't squared?
A. No.
Q. It was pointed?
A. There was a face on it, so you could build a wall of it.
Q. You couldn't use it for building stone, could you?
A. Yes, sir; certainly — for cellar work.
Q. Do you know anybody who would give $1.50 a load for it?
A. I don't know — if any of the contractors had a chance I suppose they might. I don't know any contractors.
Q. Well, you don't know really whether anybody would give $1.50 a load for it, do you?
A. I have seen stone in Boston for $1.50 a load.
Q. Well, you don't know any man who would give $1.50 a load for that stone?
A. There is one man, I know, who would buy it, I think — Paddy Donovan.
Q. What is his name?
A. Patrick J. Donovan.
Q. Of Charlestown?
A. No, Roxbury.
Q. You mean to say that he would give that for it?
A. No, but I know very well he would give it.
Q. You simply mention him as a contractor?
A. Yes.
Q. You have never heard, individually, any contractor say he would give $1.50 a load for it?
A. The subject was never brought up to me.

Q. But you never heard anybody say that?

A. I have heard them speaking about it.

Q. Have you ever heard a contractor say that he would give $1.50 a load for it?

A. No, sir; I wasn't speaking of contractors then.

Q. Now, about the loam which was put into the bridle path — isn't this the fact, that they excavated a trench seven or eight feet wide and two feet to two and one-half feet deep filled that with loam, and then put three and one-half inches of gravel over three feet of the trench, narrowing the surface of the trench to five feet?

A. No.

Q. Isn't that the way they built it?

A. I don't know — that might be the bridle path.

Q. Well, that is what you spoke about a moment ago, when you said the Park Department put loam on top of gravel, and then gravel on top of the loam again?

A. It was the pond I spoke of. There is a bridle path as well, you know, around Leverett Park.

Q. You spoke about the pond, also, and I am coming to that in a moment; but I understand that you spoke of what was done on the bridle path, where gravel was placed at the bottom of the trench, loam on the gravel, and gravel over that?

A. No, that was the pond that I spoke of.

Q. Then, referring to the pond, you said that they had put water on top of that?

A. That it has been overflowed, yes, that the gates have been kept shut and the pond has overflowed.

Q. Well, do you know what that has been done for?

A. I couldn't tell.

Q. Did you ever hear of that being done for the sake of the water plants?

A. I heard it was on account of the investigation, and that the pond was overflowed so that the stones and the loam couldn't be seen.

Q. Did you ever hear of gravel being put on top of loam to keep the soil from washing away?

A. No, sir.

Q. You don't know anything about the manner of planting water plants, do you?

A. No, sir.

Q. Now, in regard to this pond that has been filled up — do you know that there was trouble with the water-levels there.

A. I never saw any.

Q. There wasn't much water in those ponds, coming down from Ward's pond, was there?

A. There was a good depth of water in the one that was filled — in some places maybe ten feet.

Q. But do you know that all summer long very little water was running down from Ward's pond, through the brook, for the four or five little ponds?

A. Part of the summer it was dry.

Q. There was enough in the Autumn, was there?

A. I couldn't tell about the Autumn

Q. There was practically no water in those ponds and that brook except in the early spring, was there?

A. The one we filled up there was water in.

Q. Well, don't you remember that after these ponds and the brook were constructed, they were not filled with running water except in the spring of the year?

A. I know in the one we filled there was water running from the other pond.

Q. Did you ever hear that the result of excavating at Ward's pond was to lower the level of the water three or four feet?

A. No, sir.

Q. That was before your time. You weren't ever aware of Ward's pond being cleaned out?

A. No, last summer was my first time there.

Q. Well, I refer to a time five or six years ago — and you never heard anybody say that that had been an unfortunate thing to do with regard to the water levels?

A. No, I did not.

Q. (By Alderman GERRY.) Mr. Kane, I would like to ask you about those bridges. Was or was not that stone good stone of its kind?

A. Yes, good for building purposes.

Q. Wasn't it as good stone of its kind as you would ordinarily see anywhere?

A. Yes, sir; they built a wall of no better stone last summer in the park.

Q. Was this bridge made up entirely of that stone you have referred to, or was the capping of other stone?

A. The capping was of good stone.

Q. Red granite?

A. No, white granite.

Q. But this stone that make up the bulk of the bridge had a reddish hue, didn't it?

A. Not altogether reddish — partly white.

Q. Not reddish — whiteish? What do you call it? Roxbury granite, or what?

A. A Roxbury stone.

Q. Roxbury pudding stone they call it?

A. Yes, sir.

Q. That was good stone?

A. Yes, sir, for building purposes.

Q. As good as anybody would want for cellar walls, or anything of the kind?

A. Yes, sir.

Q. And that was thrown into Ward's pond?

A. Yes, sir.

Q. What became of the capping?

A. That was thrown in.

Q. That was granite, wasn't it?

A. Yes, sir.

Q. That was granite and had been prepared to look well on top, as top stone or capping, or coping, — whatever they might call it, in connection with that bridge.

A. Yes, sir.

Q. You saw those bridges before you began to work on them?

A. Yes, sir; for eight years.

Q. How did they look?

A. Looked nice.

Q. Weren't they nice looking bridges?

A. Yes.

Q. Ever see a better looking bridge of the kind than those were, in connection with that landscape?

A. No, sir.

Q. Now as regards that loam, you say that they ploughed around that pond for three feet?

A. Oh, yes, sir; twenty-five feet.

Q. Twenty-five feet?

A. Yes, sir — thirty feet probably.

Q. From twenty-five to thirty feet, and that they took gravel out?

A. And threw it in the pond.

Q. Took the gravel out and threw it in the pond, did they?

A. Yes, sir — ploughed it all around, and then got scoops and horses and drew it to the pond and threw that into the pond with shovels.

Q. What were they doing that for?

A. I couldn't tell — and then they put the loam in place of it.

Q. Did they ever say anything about filling that pond, or making it smaller? Was anything said about that?

A. Yes, sir. I heard that they had made it smaller.

Q. Well, the result would be to make it smaller, if it was filled up with gravel, or whatever dirt was put in there?

A. Yes, sir.

Q. Then they put all that loam in place of it?

A. Yes, sir.

Q. You say for two feet or more in depth?

A. Two and one-half, I should think, — I didn't measure it.

Q. And, of course, all that time there wasn't any water there, was there?

A. Oh, the water was there.

Q. Yes, in the pond, but I mean where the loam was?

A. Well, the gravel thrown in there, you know, kept the water back.

Q. But the water didn't come up over the loam that you put in at that time?

A. No, sir; not then.

Q. And when you left it there wasn't any water on it?

A. No, sir.

Q. The loam was around the edges of the pond?

A. Yes, sir.

Q. You left it when?

A. The Thursday after Christmas time.

Q. And then you went there the other day?

A. Yes, sir; walked around to see it.

Q. And you say that that loam, for twenty-five or thirty feet around the pond has since been flowed, that it is under water?

A. Well, there is about two feet of the edge out of water. The rest is covered.

Q. You mean that you can see only a couple of feet of the loam?

A. Yes, sir.

Q. Then as a matter of fact, the pond has been flooded, by raising the sluiceway, solid with water, covering the loam that you have put in there?

A. Yes, sir.

Q. The stone and everything of the sort?

A. Yes, sir.

Q. That must have been done between the last of December and two or three days ago?

A. Yes, sir.

Q. But you don't know the reason why?

A. No, but I heard an account of the investigation.

Q. Oh, you heard that?

A. Yes, sir.

Q. Well, you know, also, that they were throwing loam from Perkins street there?

A. Yes, sir.

Q. And you say there were about thirty teams a day coming there with loam?

A. Yes, may be twenty at a lick sometimes.

Q. Well, you know there is a great deal of loam thrown in there?

A. Yes, sir.

Q. And that loam was used for filling there?

A. Six feet in some places — some of the holes there.

Q. They filled up those holes with loam?

A. Yes, sir.

Q. Didn't they fill in with gravel?

A. No, sir.

Q. Did you understand that they had some fancy trees that they were going to plant over that six feet, that needed six feet of loam?

A. No, but I heard they were going to plant trees there. I heard the men talking about it.

Q. But you are very sure that that sluicegate has been up, and that all that loam has been covered up from the eye of the traveller?

A. During the summer months?

Q. I mean since Christmas?

A. Yes. There was a man kept at the gate watching for that purpose alone, to keep the water at a level, so it would be all right.

Q. Do you remember hearing that they had an idea of planting water plants there?

A. No, sir.

Q. Did you ever hear that those ponds that were filled up at somebody's suggestion were ponds that were originally mapped out by Mr. Olmsted for the purpose of planting water plants, at the suggestion of the Horticultural Society, or some such society?

A. No, sir; I didn't hear anything about it.

Q. You never heard anything about that?

A. No, sir.

Q. And you never heard or knew that they were going to use Ward's Pond for planting these water plants, etc.?

A. No, sir.

Q. That was not a subject of conversation among the men at that time?

A. No, sir.

Q. Well, what was the idea? What was your idea? What did you think they were putting all that loam in there for?

A. I thought they were making room for more loam, that is all, to give the contractor lots of work. (Laughter.) That was my opinion of it.

Q. What right did you have to think anything of that kind?

A. I saw how it was thrown in.

Q. How?

A. Thrown to the edge of the water, and I knew when winter came it would be overflowed.

Q. Then, in other words, you thought that somebody connected with the Park Department — a contractor or somebody — had some reason — some bad reason, we will say — for doing that sort of thing, to defraud the city or something of the kind? Was that the idea?

A. Yes, sir; that was my idea of it.

Mr. MATTHEWS. — I would like to inquire, Dr. Gerry, if you consider that a fair sort of question to ask a witness who has no knowledge at all upon such a matter?

Alderman GERRY. — Well, I will take it back.

Mr. MATTHEWS. — Do you honestly think it is fair to ask an employee of the department, who has no knowledge of the facts, his opinion as to why somebody else did something?

Alderman GERRY. — Well, I will retract it, if you don't think it fair. It is only in line with what a great many people think, and I thought it was a proper question to ask. You should stop me at any time when you don't think I am asking proper questions.

Mr. MATTHEWS. — But, in all fairness to the Commission, shouldn't all such questions be directed to them or to the Superintendent — to somebody conversant with the facts — because you might bring in somebody from New York or Chicago, for instance, and ask his opinion about the matter.

Alderman GERRY. — Well, this man was on the ground personally, at the time when the work was done, and that was the reason why I asked him the question.

Mr. MATTHEWS. — Well, how is his opinion more valuable than mine or anybody else's?

Alderman GERRY. — I don't know that it is. When I ask a question to which you object, I wish you would be kind enough to stop me. If I am asking improper questions I will stop.

Mr. MATTHEWS. — Well, I have endeavored not to interfere-any more than was necessary. I don't care to continue, except to ask the witness this question:

Q. (By Mr. MATTHEWS.) Where were the bridges that were taken down and thrown into the pond?

A. One at the farther end of the pond, and one at the near end.

Q. Those were not bridges — they were culverts, weren't they?

A. I don't know what you call them.

Q. Well, what do you call them?

A. I would call one a bridge and the other two, perhaps, culverts,

Q. Where was the bridge — the structure that you refer to that was not a culvert?

A. The bridge where the water used to go through to this little pond that was filled up — that is, from Ward's pond.

Q. Was there water under the culverts?

A. Yes, sir. There has been water enough around there in my time.

Q. How wide was the opening under the bridge?

A. Five or six feet — six feet, I would say.

Q. And the others were no bigger, were they?

A. Something about the same, I guess.

Q. That is, these were bridges or culverts with a five or six-foot span?

A. Yes, sir.

Q. Now, they were built of Roxbury pudding stone, weren't they?

A. The stone extended, say, ten feet or fourteen feet along — the granite stone.

Q. The parapet would be ten to fourteen feet long?

A. Yes, sir.

Q. Now, those culverts were built of Roxbury pudding stone, weren't they?

A. Some of them.

Q. And the stone was not cut?

A. Some of it was cut stone — overhead was cut stone.

Q. Roxbury pudding stone or granite?

A. Granite, some of it.

Q. Don't you remember that those parapets were built of large uncut blocks of Roxbury pudding stone, set up on end?

A. Those were only on the top.

Q. Yes — on the top of all these culverts, weren't they?

A. Yes. The other stone was on the level of the ground.

Q. What was on the level of the ground?

A. The round stone you speak of.

Q. What was on top of it?

A. From the top to the level of the ground was this stone I speak about.

Q. Wasn't there a granite parapet there?

A. There was granite underneath that, and the parapet was put on the same as the table there.

Alderman GERRY. — That is all.

The CHAIRMAN. — That is all, Mr. Kane — unless somebody else has some questions to ask the witness. I will say, in regard to Dr. Gerry's question, that it is his idea and the committee's idea to get at the facts as rapidly as possible, if there are any facts.

Mr. MATTHEWS. — I understand, and that is why I have not interposed any more objections.

The CHAIRMAN. — When Dr. Gerry put the question I thought it was a leading one.

Mr. MATTHEWS. — I withdraw any criticism I made.

Q. (By the CHAIRMAN.) I would like to ask the witness this question. All these bridges that you tore down, that contained about 150 tons of stone, when were they torn down?

A. Two weeks before Christmas.

Q. Was the wall going up around Franklin Park afterwards handy there?

A. Yes, but I didn't work on it. I know where it is.

Q. How did that stone compare with the stone they are putting in the wall around Franklin Park — as good or worse?

A. Some of the granite stone was better stone, because it was longer.

Q. You mean that some of the stone taken out of the bridges and thrown in the pond was better stone than that in the wall there?

A. Yes, sir; and some of it worse.

Q. I want that clear. You say that the stone taken from those bridges was fully as good as the stone put into the wall going around the Park?

A. The granite stone was better.

Q. The stone you took out of the bridges was better — that is your opinion?

A. That is my opinion, yes, sir.

Q. What leads you to believe that the flood-gates were opened and the shores of the pond covered with water on account of this investigation?

A. Because then the work couldn't be seen. That is my opinion.

Q. What led you to believe that that was the case?
A. I have been told that.
Q. You have been told that?
A. Yes.

The CHAIRMAN. — That is all. Is there any other member of the Committee who wants to ask questions. (No response.) Counsel will call the next witness.

Mr. MATTHEWS. — Mr. Chairman, before the next witness is called I would like to make a suggestion to the committee, which may help to settle disputed questions in regard to what has been done at Leverett Park and these ponds in regard to the culverts, etc. One of the witnesses the other day, when Dr. Gerry was absent, stated why there had been a change in the plans out there — namely, that the Horticultural Society formally abandoned its plan of maintaining those ponds at its own expense and raising money for the purpose, in accordance with the original idea; and, furthermore, that there has been an unfortunate change in the water level there. The facts, as we understand them, are these, that originally it was intended to build a series of small ponds —

Mr. LUNDY. — I beg your pardon, Mr. Matthews. I object to Mr. Matthews' testifying here.

Mr. MATTHEWS. — I am not testifying.

Mr. LUNDY. — If he is stating anything that he is going to prove, very well, but I do object to his opinion on this subject.

Mr. MATTHEWS. — I am not going to give my own opinion, Mr. Chairman, and the only criticism that counsel could possibly make would be that I am anticipating some of the testimony that we are going to offer. I will put it in this way, if it pleases the committee, that we propose to show certain things. I was not intending to take up the time of the committee in that connection, but was simply leading up to what I think is a practical suggestion. I make this suggestion, that that pond be drained, and the committee can then see whether any granite has been dumped into it or not, — can see the quality of the stone that has been thrown in there, and can see that there was no granite and no Roxbury pudding stone that anybody would take as a gift. There was no cut stone at all. As for the opening and shutting of the sluice gates, that is done, as I understand it, right along, because the final arrangements have not yet been made for the overflow. As a matter of fact, I believe at this present moment the water is down to a low level. Now, if the committee wish it, we can have that pond drained, and the committee can then see the whole thing for themselves. We

have no doubt that this witness has been stating what he honestly believes to be the truth, but we think he is entirely mistaken, as the committee can see for themselves after the pond is drained. I will make no further statement at this time indicating what we will show as to the plans of the department in connection with this work, or why these ponds were filled up. Perhaps brother Lundy is right in thinking I should not make that statement now, and I will not do it.

The CHAIRMAN. — Wouldn't that question properly come up when the evidence is closed, in the arguments?

Mr. MATTHEWS. — No, sir. It will come up when we open for the defence. But the proper time to have the pond lowered, so that the committee can see what has been actually done there, is now, and I make the suggestion that that be done.

TESTIMONY OF MICHAEL F. MCGOVERN.

Q. (By Mr. LUNDY.) What is your full name?

A. Michael F. McGovern.

Q. What is your business?

A. Contractor and builder.

Q. Where do you live?

A. Dorchester.

Q. Now, whether or not, during the year 1898, you were located at or near Franklin Park?

A. Yes, I have been always located in Dorchester since I resided in the city, and if, with the permission of the Chair and the honorable Board and counsel, together with the lawyers, you will allow me to qualify myself for what I am to say, I will give it as quick as possible, and will not use any procrastination at all. (Laughter.) That will settle the whole affair.

The CHAIRMAN. — The counsel will proceed with his witness.

Q. You were located at or near Franklin Park during the year 1898?

A. I was located in Dorchester.

Q. Anywhere near the park?

A. Well, yes, in the immediate vicinity. Dorchester is bounding on it.

Q. What were you doing there at that time?

A. I was doing contract business for myself.

Q. What particular line of work were you following as a contractor?

A. Following everything in general, — excavating, building.

Q. Now, you say you were excavating. Did you sell any gravel or filling to anybody?

A. Yes.

Q. Did you sell any loam?

A. Yes, sir.

Q. Now, did you sell any loam or gravel to the Park Department?

A. No, sir.

Q. Did you sell any to any contractor who was doing work for the department?

A. I sold to various people — contractors, as I presumed they were; their names now I cannot recall. I found out afterwards on investigation that some of the material was delivered in the park — Franklin Park.

Q. How much loam did you sell, or how much material called loam did you sell?

A. Well, I should judge, although I am not very certain about that which went to the park, but I should judge between three and four hundred loads.

Q. This was gravel or loam?

A. It was the very poorest quality of loam — almost a gravel, or thin sand.

Q. Do you know whether or not this fine sand or poor gravel, whatever it was, sold as loam, was delivered at the park?

A. I know in this way, that I put up my shingle "For Sale" when I was excavating a piece of land for a cellar, probably about 100 by 150 feet, and the public in general came there to buy loam and gravel; but the business increased so rapidly from the various contractors after I got the good loam off and came to that portion of it which was red loam mixed with sand, that I made some inquiries as to where they were selling this material on account of having sold it myself for a very small price. I thought I might catch a bigger fish.

Q. How much did you get for it?

A. I haven't measured it, but I calculated it was about ten cents per yard, — about twenty cents per load, which was about two yards to the load.

Q. You sold what you passed upon the contractors as loam, or what they accepted as loam, for 20 cents a yard?

A. I didn't call it loam, — it was a mixture of loam, a very small mixture.

Q. This stuff you sold, which contained an element of loam, you sold for 20 cents a yard?

A. No.

The CHAIRMAN. — I didn't understand him to say that. He said he sold it for 20 cents a load.

Q. How much in a load?

A. About two yards. It was about ten cents a yard. I would not be positive about that, but that is what I figured.

Q. Will you tell us how you know that any of this went to the park?

A. Some of the teamsters told me that they were delivering —

Mr. MATTHEWS. — I object to that.

Mr. LUNDY. — I think you are right, Mr. Matthews. I won't put that of course.

Q. Do you know that any of this went to the park system, of your own knowledge?

A. What I saw, I saw.

Q. Did you see any of it go to the park?

A. Yes.

Q. Now, how much did you see go to the park?

A. I drove over there one day and saw them dumping it in the park.

Q. Could you identify the stuff that came from you?

A. I could identify the teams, the men and horses.

Q. Do you recall at this time who the contractors were?

A. I do not.

Q. You are quite positive that that stuff sold to certain contractors was delivered at the park?

A. Yes, sir.

Q. This was about what time, during 1898?

A. I would not say. On that question, for all I know, they might not be contractors. There was ten or fifteen or twenty teams being loaded there, and my men, together with the teamsters, loaded up those teams here. I got pay for it in a couple of days afterward, either from the teamsters or the contractors, whoever they were. They might be contractors, or might not, for all I know.

Q. Now, would you say that any of this loam which you sold to certain men who bought it, and which you afterwards identified from the loam itself and from the men who delivered it in the park, was good loam — any of it?

A. That is a thing so complicated, I don't see how I can answer that in fairness to the question at issue. In the first place, I didn't deliver any there myself. That is one part of your question —

The CHAIRMAN. — Please put the question plainly, so that he can answer it directly. Ask him that question again.

(The question was repeated by the stenographer.)

A. No, it was not good loam.

Q. Did you supply gravel?

A. Yes.

Q. Did you supply gravel as gravel?

A. Yes, not for the park.

Q. Not any for the park?

A. No, sir.

Q. You don't know at this time any of the names of the contractors or of the men who bought this stuff?

A. I want to say in addition to that last question that I have sold loam and gravel since I began to do business, whenever I have had it to sell. I don't want you to say hereafter that I sold either loam or gravel to the park, because I could not get a straw from the administration, and I don't think anybody should be put down for it — (Laughter.)

The CHAIRMAN. — That does not concern this hearing.

Q. No arguments, Mr. McGovern. What the committee wants to find out is if you did sell any loam which was taken to the park and what the quality was.

A. I sold loam and afterwards I drove over there in my team and I found these teamsters had been dumping it in the park. I investigated it and found it was no good. It was not worth more than filling to anybody. Still, it was used in the capacity or in the form of loam for grading, to the depth of six or eight inches.

Q. You know that positively?

A. That I know. I thought it was wrong. I seen a lot of drunkards there —

The CHAIRMAN. — Please confine yourself to the question.

The WITNESS. — That is a question, Mr. Chairman, —

Q. Do you know anybody who worked in the park at that time.

A. No, I don't know their names. Moreover, I don't want to know them either. (Laughter.)

Q. It is not so much a question, Mr. McGovern, of what your desires are as to what the actual condition was. Did you —

A. The actual condition was most demoralizing in the Park Department. (Laughter.)

The CHAIRMAN. — Please answer the counsel's questions.

The WITNESS. — Yes, sir, I think I am. I will get along quicker. But I don't want to be caught napping, because I want to be fair to the Board.

Q. Did you see men working there who were not in a proper condition to work?

A. I assuredly did.

Q. You say at this time you could not identify any of those men?

A. I don't think I could. I think they wear tall hats now, probably. (Laughter.)

Cross-Examination.

Q. (By Mr. MATTHEWS.) Mr. McGovern —

The CHAIRMAN. — I want to say to you that you are testifying now under oath.

The WITNESS. — I fully realize it.

The CHAIRMAN. — You are to confine yourself to the question the counsel asks you, and not go off in this rambling way on matters that do not pertain to this question.

Q. Mr. McGovern, you say that you were selling a poor quality of loam to somebody?

A. Yes, sir.

Q. And you don't know to whom you sold it?

A. I suppose I ought.

Q. Why don't you tell the committee then?

A. Well, we can't help impossibilities. If I cannot remember I cannot tell.

Q. You don't remember — do you want to leave it that way?

A. I want to leave it just exactly in its nakedness, how it is. If I could see the man again I might possibly identify him, but I don't remember his name. All I would say now is, I cannot recollect it.

Q. In driving along the park, you say you saw some of what you thought was this loam?

A. Very true.

Q. You thought you saw it?

A. No, I know I saw it.

Q. Where was it?

A. In Franklin Park.

Q. What part of the park?

A. I could not hardly bound it now. It was where they were grading at that time.

Q. Which side of the park or what portion of it?

A. It was on both sides of the entrance from Blue Hill avenue — some on the hill side, and some down in the other direction.

Q. Near the entrance?

A. A good ways from the entrance.

Q. What time of the year was this?

A. I should say it was in the latter part of spring, or the beginning of summer, in 1898.

Q. How many times did you see this loam of yours in Franklin Park?

A. Once, for curiosity's sake, I went over to see what was the matter there, I had heard so much about it.

Q. You only saw this poor loam once, then?

A. That is all the time I made any investigation on it.

Q. The only time you went to Franklin Park and investigated whether these persons to whom you sold this poor loam were unloading it on the city was once, was it?

A. No, that is not even so.

Q. How many times did you go to the park to see this alleged loam of yours?

A. I was driving over there on my business.

Q. Can't you answer that question? How many times did you see it there?

A. Well, I saw the loam there — I could not say it was the loam, the work I was doing — various times; I drove there a number of times —

Q. Mr. McGovern, just confine yourself to my question. It is a perfectly simple one. I do not ask you what you saw about the loam generally in Franklin Park, but how many times did you see this particular loam that you think came from your place — once or more?

A. On one occasion.

Q. When was that occasion?

A. When I made the investigation to see what they were doing with it.

Q. What time of the year — what month and day?

A. I could not give you the exact day or even the month now, because I didn't keep any record of it.

Q. It made considerable impression on you, didn't it?

A. Indeed it did. I think I introduced it at the club, and it was in the papers the following morning.

Q. Can you hunt those papers up so as to refresh your memory?

A. If they were to give me some of the boodle they got for it, I might. (Laughter.)

Q. You mentioned it to your club.

A. I did my own clerking then.

Q. No, you said you mentioned it to some club.

A. I mentioned it to a great number of people at various meetings.

Q. Didn't you say something about a club?

A. Oh, yes.

Q. What do you mean by "club"?

A. Well, I don't hardly think it would be in fairness to talk about it now. I don't think it has any bearing on this subject.

Q. Perhaps you don't think so, but the rest of us may.

A. I think I know it has not. (Laughter.)

Q. You say you mentioned it to this club, didn't you?

A. Yes, sir.

Q. Do you refuse to tell where this club was and what it was?

A. This club was composed of Wards 20 and 24 Associates. They occupied a hall at 1300 Dorchester avenue or E street — I won't say which place.

Q. What did you say they were called?

A. Wards 20 and 24 Associates.

Q. Can you mention anybody to whom you related this circumstance?

A. Oh, I mentioned it in a general way, just to show how the city was being robbed at that time. I didn't make any account of it, because I knew it was done in other departments, and ten times worse. In fact, I think I will tell you the whole thing and get it out of the way. (Laughter.)

Q. What I want is to fix the date?

A. I cannot fix dates.

Q. We are getting down to it gradually. Can you not give us something more to enable us to fix that date?

A. Yes, probably you might fix it by this, that on various occasions in the other departments I was approached by teamsters to buy gravel and sand that they were delivering to the various departments of the city of Boston for twenty-five cents, in order that they might get the price of a drink.

Q. That was in other departments?

A. Right along through the whole season.

The CHAIRMAN. — I would not continue that line of examination.

Mr. MATTHEWS. — I want to make it sure, Mr. Chairman.

The WITNESS. — I am not in favor of it, either, Mr. Chairman. (Laughter.)

Q. Mr. McGovern, will you look at me?

A. Yes, sir; I will look at you. (Laughter.)

Q. When you say you were approached by persons employed by the city, you mean employed in other departments?

A. Yes, sir; I don't know what departments, only they were in the city's employ.

Q. You cannot mention anybody in the Park Department who ever approached you?

A. I think the Park Department is the honestest department in the city to-day, and the men are all right. (Laughter.)

The CHAIRMAN. — I want to caution you now. Answer the questions asked by the counsel, and nothing else.

The WITNESS. — Yes, sir; I will if I can.

Q. Now, you cannot tell us the date of this visit, and you cannot tell us the name of the man to whom you sold that load of loam?

A. I cannot now recall it.

Q. Was it one man, or did you say that you had sold it to several persons?

A. My statement, if you remember, was a general one, and the answer must be general also, as far as my memory is lacking.

Q. Well, what is the answer?

A. I cannot recall the names.

Q. How much of your loam did you see at this part of Franklin Park that day in the spring or summer of 1898?

A. I would say five or six teams was dumping there, which I identified as the fellows that were buying of me. I looked the matter over and went away.

Q. There were five or six men, were there?

A. Yes, sir.

Q. Can you not mention one of them?

A. No, Mr. Counsel, I don't think I can. I don't hardly think I ever asked the names and I don't know how I could mention them if I don't know them.

Q. This occurred only a year and a half ago?

A. Somewheres about there.

Q. It made a great impression on you?

A. At that time it did.

Q. So much so that you spoke to your club about it, and said something to a newspaper man?

A. Well, other circumstances of the same nature have thrown it all out of my mind, so I cannot remember it now.

Q. There were five or six men that you say you saw delivering this poor loam of yours at the park, and you cannot mention the name of a single man?

A. Probably if I were to investigate the matter, I might be able to find them. I can't recall them now.

Q. Can you tell to whom you were selling loam at that time?

A. I say, to the public generally.

Q. Did you keep any books?

A. No.

Q. You didn't keep any record of the men you sold loam to?

A. I did at that time, but I had a fire in my place and my things were all burned up, and I have never got money enough to keep books yet.

Q. You haven't any books that would show who these men were?

A. I haven't any books of that time.

Q. Now, after you saw this bad loam at Franklin Park, did you make any complaint to anybody in the Park Department?

A. I did.

Q. To whom?

A. I drove around and pulled up my team and spoke to various fellows there that I considered, by the way they were acting, as being men in charge, and I accused them of the wrong they were doing to the citizens of Boston by grading in such a form, which was most ridiculous, and I was met with the greatest abuse. So I considered it wasn't worth while talking to such people again.

Q. Can you mention any employee of the Park Department to whom you made complaint?

A. No, I don't know the names.

Q. You never addressed yourself to the Mayor?

A. No, sir — oh, I did; at that time I did write to His Honor the Mayor and demanded an investigation.

Q. You wrote to Mayor Quincy, did you?

A. Yes, sir.

Q. Have you a copy of that letter?

A. I don't think I have; no.

Q. Did you see anybody in authority at the Park Department, the superintendent or Commissioners?

A. I didn't see anybody except such people as I thought were foremen or bosses of some nature; I couldn't tell their grade.

Q. You didn't go to headquarters to make any complaint, except in this letter to the Mayor?

A. Not at that time.

Q. Did you ever complain to the Commissioners or the superintendent or the deputy superintendent or anybody in authority in the Park Department?

A. No, I don't know anything about that. I don't hardly think I did, although I had communicated with the Mayor's office at various times about other misdemeanors, but I don't think it had anything to do with this department. I don't hardly think he would care for me to tell you all about that.

Q. You said you couldn't get anything from the administration?

A. Yes, sir.

Q. You had considerable trouble with them, didn't you?

A. A man in the right is always in trouble. I considered that was my trouble. (Laughter.)

Q. It was the trouble you had with Mayor Quincy, was it?

A. Personally, I didn't have any trouble with him.

Q. Was it because you could not get the work you thought you ought to have?

A. I was offered it, and I would not take it. That is no reason.

Q. You had some trouble of some kind, did you not?

A. I didn't think they were doing right.

Q. What did you say?

A. I didn't think the administration was a right one, and it didn't mean right, and I complained on that account.

Q. What did you mean when you said you could not get anything from the administration?

A. I say, no honest man could get anything from them, in my opinion, and I don't think these poor tools that were used as tools — beg pardon for saying that; I am a stone-worker, a mason, by trade, so if you ask me those things I can tell you a great deal about the whole affair all around the city, because I was travelling about a great deal. There was one man in particular that I think should not be blamed in this case, and that is Mr. McShane. I called his attention to some wrongs in his line of business, and I found he tried to right them. It was his men's fault; he was a good man.

Q. You criticised the administration generally, did you?

A. I never criticised them. I called their attention to some things going wrong, to see if they would not rectify them.

Q. What did you mean when you said you could not get anything from them?

A. I meant anything that in justice was called for, either by me or other people that I knew, was never attended to. Still, as I say, I don't see how that has any bearing —

Q. You were not friendly to the administration?

A. Friendly to all honest people. I am not friendly to any dishonest people.

Q. Were you friendly to that administration?

A. I don't know any reason why I was not, except you can tell me.

Q. Now, you wrote to Mayor Quincy, and you didn't keep a copy of the letter?

A. No.

Q. He is the only officer of the city of Boston you ever complained to in regard to your discovery of your loam in the park?

A. I wish to say at this time, Mr. Counsel, that I think I didn't make that statement. If I did, I want to go over it

and recall it. You say, as I made complaint about my loam in particular. I did not. I didn't have anything to do with that loam there myself; but I did know that there was wrongs doing in general, and in consequence of those wrongs in general I notified the Mayor and his secretary.

Q. Then I misunderstood you. You did not notify the Mayor of this particular occurrence?

A. I say, in a general way, about the business that was carried on in the Park.

Q. You didn't tell Mayor Quincy, over your own signature, that you found this poor quality of loam which had come from your cellar, in Franklin Park?

A. Not in those words; but I told him this, that I found there was poor loam, that the grading was wrong, and the way the men were acting was most demoralizing to the community.

Q. Do you know what he did about it?

A. I drove over there often, and I never saw any change, and I gathered from that that he didn't do anything.

Q. You don't know what he did?

A. No, I couldn't swear.

The CHAIRMAN. — Any of the Committee desire to ask Mr. McGovern any questions?

Mr. LUNDY. — That is all.

The WITNESS. — Much obliged to you for the congenial summons I got. (Laughter.)

TESTIMONY OF EMANUEL P. ALMEIDA.

Q. (By Mr. LUNDY.) What is your full name?

A. Emanuel P. Almeida.

Q. Where do you live?

A. Hanover street, Boston.

Q. Whether or not you have been employed at some time in the Park Department?

A. About 12 years.

Q. During those 12 years that you have been employed by the Park Department what have been your duties?

A. Working in the engineer's office.

Q. Are you in the employ of the Park Department at the present time?

A. Suspended.

Q. You were suspended in February, were you?

A. Yes.

Q. What was your rating when you were suspended?

A. Transitman.

Q. What are the duties of a transitman?

A. He has charge of the field and engineering work.

Q. That takes in all the engineering in the open field?

A. Yes, sir.

Q. Does that include road building?

A. Road building — everything.

Q. Everything in the open?

A. Yes, sir.

Q. Now, have you done any work at Jamaica pond?

A. I have.

Q. About how long ago?

A. About five or six years ago.

Q. Since then have you done any work there?

A. Three and a half years ago — well, every year I have done some work there.

Q. What work did you do there about four years ago?

A. About five years ago I had charge of the Jamaica-way.

Q. About how long ago?

A. That was five or six years ago.

Q. Now, to get down within the last four years, where were you working about four years ago, — that is to say, in 1896, the latter part of 1896?

A. Working on Jamaica pond — I think, on Parkman drive.

Q. Who was your superior there? Who were you working under?

A. The chief engineer was Mr. Howe, and his next assistant was Mr. Putnam. I worked directly under the orders of Mr. Putnam.

Q. When did Mr. Pettigrew come to work for the department?

A. About three years ago, I think.

Q. Did you work at any time directly under the orders of Mr. Pettigrew?

A. Yes.

Q. Now, the Parkman drive was being built about how long ago, Mr. Almeida?

A. When Mr. Pettigrew first came.

Q. That would be about three years ago?

A. Yes, about three years ago.

Q. Whose plans were you working on in building the Parkman drive?

A. Mr. Olmsted's.

Q. Whether or not you know that those plans were from Frederick Law Olmsted?

A. They were, yes, sir,

Q. You knew that at the time?

A. Yes, sir.

Q. How much of a stretch of road did you have to build there — the Parkman drive?

A. About 2,400 feet.

Q. Were there any changes made in the system of building that road?

A. I don't know. All I had to do with it, I had charge of the sub-grading.

Q. Were there any changes made in the sub-grading after you had started to build it under Frederick Law Olmsted's plans?

A. Yes, there was some change made.

Q. Who made the changes?

A. Mr. Pettigrew and Mr. Sargent.

Q. Do you know directly of any change that Professor Sargent made at that place?

A. Yes, I know.

Q. Do you know personally?

A. Personally, yes, sir.

Q. Did you hear Professor Sargent say anything about making a change?

A. I heard it.

Q. To whom did he make these remarks?

A. Mr. Pettigrew. I think Mr. Putnam was present.

Q. And yourself?

A. Myself.

Q. Who else?

A. I guess that is all.

Q. How much work had you done on the road when you heard Professor Sargent make this suggestion for a change?

A. Well, the road was nearly completed as to the sub-grading.

Q. Nearly completely sub-graded?

A. Yes, the change was made on the wall; it was not on the road.

Q. It was not made on the road?

A. It was made on the wall.

Q. Do you mean to say there was no change made on the road — is that it?

A. No, not on the road.

Q. Did you have anything to do with the building of the wall there?

A. Yes.

Q. What did you have to do with building the wall?

A. Giving lines and grades.

Q. Under whose instructions did you give those lines and grades?

A. Mr. Putnam was my chief engineer.

Q. Then you acted, in building that wall, under the instructions of Mr. Putnam?

A. Yes, sir.

Q. Now, did Mr. Pettigrew make any changes in that line of the wall?

A. Yes, he did.

Q. How long had you been working on that wall before Mr. Pettigrew made these changes?

A. Well, the wall was just started; we were just starting the wall.

Q. Had you made any advancement on your work before Mr. Pettigrew made his interruptions?

A. No, we hadn't got up to that point yet.

Q. What did Mr. Pettigrew's change amount to — what was the line of his change?

A. There was a big tree there, and they wanted to save it.

Q. Who wanted to save it?

A. Mr. Sargent and Mr. Pettigrew, and we were going to build the wall, but that wall would not reach where the tree stood. So Mr. Sargent said if we built the wall up to the tree and it passed the tree, we would save the tree. We did that, and after that the tree was cut down.

Q. How long after this was the tree cut down?

A. I don't know.

Q. Do you know that it is cut down now?

A. Yes, sir; it is not there now.

Q. You don't know by whose orders that tree was cut down, do you?

A. No, I don't.

Q. How far out of your line of survey did you have to go to swing that wall to save that tree?

A. We had to make the wall longer, that is all we had to do.

Q. I don't exactly get your idea. The tree is *here* (illustrating on table before the witness). Here is your wall, coming along *here*. How did Mr. Pettigrew have you swing that wall —

A. We didn't swing the wall. The tree stands right *there* (illustrating) on a bank. That is the line of the wall. If we didn't build this wall up to it, we couldn't save the tree.

Q. You couldn't save it?

A. No; so we had to build the wall up to it.

Q. How much additional expense did your department go to for the purpose of saving that tree?

A. About a hundred dollars.

Q. If it had not been for that tree, would it have been necessary to build that wall that way?

A. No.

Q. That was not in the original plan at all?

A. No.

Q. Have you any idea how long after this wall was constructed it was that the tree was taken down?

A. I think about a year after.

Q. You don't know yourself why that tree was taken down, then, do you?

A. No.

Q. But you do know it is down now?

A. It is down now.

Q. Did you see much of Professor Sargent at that place?

A. Yes, I saw him every day.

Q. Was he very active in the work?

A. No.

Q. Did he ever come there alone?

A. Sometimes, yes. Every morning he would come alone, and sometimes in the afternoon he would drive with Mr. Pettigrew.

Q. Were Mr. Pettigrew and Mr. Sargent together a great part of the time?

A. Yes, sir.

Q. Whether or not they had conversation with you?

A. Oh, no, never.

Q. Or with Mr. Putnam in your presence?

A. Yes, I saw them talking sometimes with Mr. Putnam.

Q. I mean when you were in the conversation?

A. Oh, no.

Q. Now the plans of Mr. Olmsted and Mr. Pettigrew did not differ a great deal there, did they?

A. No.

Q. When did you work at Leverett Park?

A. This last two years.

Q. At Ward's pond?

A. Ward's pond.

Q. What were you doing over there?

A. Laying out walks.

Q. Were these original walks, or were they walks that had already been started?

A. No, they were original walks.

Q. Under whose plans did you work?

A. No plans.

Q. No plans at all?

A. By the eye.

Q. To whose eye was that work left?

A. Well, Mr. Pettigrew would give me his ideas, and I would lay the work out according to his ideas.

Q. Did those ideas of Mr. Pettigrew change at all from time to time?

A. Change about three or four times a month.

Q. On the same piece of work?

A. On the same piece of work.

Q. Do you mean to say that Mr. Pettigrew would instruct you to lay out a certain path in a certain way and then change that idea?

A. Yes, sir, you can see the walks there now in Leverett Park.

Q. When you say they can be seen, what do you mean by that? Will the changing of the ideas be apparent now in those walks?

A. Yes.

Q. Can you see the changes in the walks coming from those different ideas? Perhaps you do not understand.

A. I don't think I do.

Q. What I mean is this: Can you, at the present time, by looking at those walks at Ward's pond see the result of those different changes in the plans that Mr. Pettigrew made?

A. On the plans, no; because Mr. Pettigrew didn't make any plans.

Q. No, but his ideas. Can you see the result now in the walks themselves?

A. Yes, sir, I can see them.

Q. You have been a practical engineer for a great many years, haven't you?

A. Twelve years.

Q. Now, whether or not your ideas on those walks there differed from Mr. Pettigrew's?

A. Sometimes they might, and sometimes they might not.

Q. Do you recall any discussion with Mr. Pettigrew on those changes?

A. I had no discussion with him.

Q. Any comment that you made on the walks to anybody?

A. Yes, sir.

Q. To Mr. Putnam?

A. Yes, sir.

Q. What did you say to Mr. Putnam?

A. Mr. Pettigrew gave me orders to stake out about 400 feet of walk. I laid it out and Mr. Pettigrew the next day approved it. Well, he put his men to sub-grading this walk; it was all sub-graded; and sometime after, perhaps two or three weeks after — it might be a month after — he gave me orders again to change this same walk that had been sub-graded about twelve feet to one side.

Q. Now, after Mr. Pettigrew had given you orders to change this same walk, how much work was necessary to make that change?

A. Double work.

Q. Did you have to go over the entire walk?

A. Oh, yes, all over it again.

Q. You had to lay out a new walk about twelve feet distant from the one you had laid out before?

A. Yes, sir.

Q. Do I understand you had to remove this walk you had already made?

A. This that had been subgraded, — yes, sir.

Q. Then all the work of subgrading had to go for nothing?

A. Yes, sir.

Q. All thrown away?

A. Yes, sir.

Q. All that within a period of three weeks after the first was built?

A. Yes, sir, about three weeks. You can see the walks there now. The two walks are subgraded.

Q. Now, in your opinion, did these plans of Mr. Pettigrew or Professor Sargent improve on the ideas of Mr. Olmsted?

A. Not in my opinion.

Q. What is your best opinion on that? How inferior to his ideas were they?

A. I think great of Mr. Olmsted's plans.

Q. You say you are an admirer of Mr. Olmsted?

A. Yes, sir, I am an admirer of Mr. Olmsted.

Q. Now, as a practical engineer, as perhaps an expert in that line, what would you say about the value of this other man's plans as compared with Professor Olmsted's?

A. Well, he had no plans; he had ideas, that is all. He had no plans, he didn't make plans to do his work.

Q. Did those ideas vary and change very often?

A. They changed very often.

Q. Did you have anything to do with preparing the reports and estimates for the Commissioners?

A. Yes, on my part of the work I did.

Q. Whether or not you furnish accurate estimates of the costs of the work to the Commissioners?

A. Well, we do it as near as we can, but it is impossible to get accurate reports.

Q. Why is it impossible to get accurate reports?

A. Because Mr. Pettigrew goes out on the work, and he ploughs up walks or ridges, he changes everything on the ground, and we don't know anything about it.

Q. Do you mean to say that, because of Mr. Pettigrew's system or his lack of system, you are unable as an engineer to furnish any exact report to the Commissioners?

A. I do.

Q. Have you, while working under any other man, had that same difficulty?

A. I do not furnish the reports to the Commission. I give my figures —

Q. Have you had that difficulty under any other superintendent?

A. No, never.

Q. Was it the custom of other superintendents to have regular plans?

A. To have regular plans.

Q. What other superintendent did you work under?

A. This is the only superintendent we have had.

Q. Who was the first one over you when you began work?

A. Mr. Howe.

Q. Mr. Howe's system differed from Mr. Pettigrew's, didn't it?

A. He went by Mr. Olmsted's plan, and his system was different, yes.

Q. Mr. Howe had a certain system, did he not?

A. Yes, sir, he did.

Q. And everything was carried out on certain definite lines?

A. Yes, sir.

Q. And Mr. Pettigrew has not followed that idea?

A. No.

Q. That is what you say?

A. That is what I say.

Q. Have you done any work under Mr. Pettigrew that has been carried out under any definite written plan?

A. Yes.

Q. Where was that?

A. No, I never have.

Q. Never done any work according to a plan?

A. No.

Q. Now, from your personal experience, would you say it would be possible —

A. Yes, I did. I will take that back. I had charge of some work down there on Charlesgate.

Q. That was done according to plan?

A. That was contract work; they are doing it now.

Q. That is the only instance you know where Mr. Pettigrew furnished any plans?

A. That is the only place where I know it.

Q. Now, from your personal experience —

A. He didn't furnish the plans; Mr. Putnam furnished the plans.

Q. That is the only case where the work was conducted according to plans?

A. That is the only case.

Q. From your personal experience, would you say it would be possible for the Park Commissioners to give any exact information regarding the cost or the labor or the condition of the walks under this system?

A. Well, I don't know about that. All I know is about the engineer's report.

Q. About the engineer's report, would it be possible for the Park Commissioners to give a report that would be exact?

A. No, it is not; it is impossible.

Q. Will you explain briefly to the chairman and to the committee why they cannot give anything like an exact report on that line of work? Who is responsible for it?

A. Well, the men that have charge of the field work, they have to do all the measuring and figuring, and they turn in their figures to Mr. Putnam for him to make the report, and we have found that it is impossible for us to get at the different pieces of work that have been done.

Q. Whose fault is that?

A. Mr. Pettigrew's. He does work, or he might do work that we don't know anything about.

Q. Now, do you recall any discussion that took place in your presence between Professor Sargent and Mr. Pettigrew with regard to trees?

A. Yes, I remember once, on the Parkman Drive.

Q. When was that, about?

A. I guess the first fall that Mr. Pettigrew was there as superintendent.

Q. Was that about 1898 — year before last?

A. 1898, yes. No, I guess it was 1897. No, 1898, that is right.

Q. Where did that conversation take place?

A. Over on the Parkman Drive.

Q. You were present?

A. I was doing some work there.

Q. Who else was there besides yourself and Professor Sargent and Mr. Pettigrew?

A. One of the engineers, Howard by name, and a laboring man, — I don't remember his name, but I think it was John Friel.

Q. What was this particular discussion about?

A. Mr. Pettigrew and Mr. Sargent were going around marking trees that had to be cut down, and they came up near a maple-tree, I think it was, and Mr. Sargent asked Mr. Pettigrew what he thought about that tree. Mr. Pettigrew says, "I guess it is all right." Mr. Sargent says, "No, it is no good," and he gave orders to the man there, the laboring man with the axe, to mark the tree so that it would be taken down. That is all I heard there.

Q. Do you know anything about trees that have been marked, that have not been cut down?

A. No.

Q. You don't know of any tree marked to be cut that has not been cut?

A. I don't.

Q. Do you know anything about the destruction of trees at Pine Bank?

A. I have seen them cut them down.

Q. How many trees at Pine Bank?

A. Perhaps about one-fifth or one-fourth.

Q. Of all the trees there?

A. Yes, about one-fifth, I think.

Q. What kind of trees were they?

A. All kinds of trees, — fir-trees, elms, —

Q. Any well-developed trees?

A. Oh, yes, fine trees.

Q. Trees in good condition?

A. In my opinion, that is all. I don't know anything about trees.

Q. They appeared to be in good condition?

A. They appeared to be.

Q. Do you know who cut them down?

A. I saw different gangs there cutting them down.

Q. You don't know whose instructions they were following, do you?

A. No, I don't; it must have been Mr. Pettigrew's.

Q. Do you know anything about the rustic work at Ward's Pond? Did you have any part in that?

A. I know they destroyed some, but I don't know much about it.

Q. Were you there when it was destroyed?

A. It was all destroyed when I was called down there to do some work there.

Q. Did you see any remains of that work there when you got there?

A. I saw some foundations, that is all.

Q. You didn't know what had become of the rest of it —I mean yourself personally?

A. No, personally I did not.

Q. What kind of stone was in the foundation?

A. Granite in the foundation.

Q. Was the foundation levelled with the ground, or was it dug in?

A. They went deeper, so that they could cover it with loam.

Q. Deeper than the surface?

A. Yes, deeper than the surface.

Q. Before that, did you know anything about the quality of the stone that was in there?

A. It was Roxbury pudding stone.

Q. Did you know whether it was good or bad stone, valuable or worthless stone?

A. Roxbury pudding stone is a valuable stone.

Q. Do you know that stone was actually in this work at Ward's pond?

A. Yes, sir.

Q. You had seen that there, had you?

A. Yes, sir; on the bridge or on the culverts.

Q. Before they were torn down?

A. Yes, sir; I saw them there.

Q. What would you say that stone was worth second-hand to an ordinary contractor, torn out of a place like that?

A. About a dollar and a half or two dollars a yard.

Q. Would you say it was worth as much as two dollars a yard?

A. A dollar and a half, I think, would be about the price.

Q. You are quite sure it would be worth as much as that?

A. Yes, sir, I am.

Q. Did you know at that time of the work the Park Department was doing in that vicinity where that stone could have been used?

A. Well, they might have used it in some walls they were building on Prince street.

Q. How close is that to that place?

A. Well, to one end of the wall it might be one thousand feet from a part of the work. Of course, Ward's Pond is a very big space.

Q. Who was doing the work on Prince street, do you know?

A. No, it was being done by contract; I don't know who was in charge of it.

Q. You say you know the contractors on Prince street were using that same kind of stone?

A. No, I don't know what they were using; I mean they might have used it.

Q. You think they were doing that kind of work where they could use it?

A. Yes, sir, they might use it on the foundations.

Q. Do you know anything about the destruction of the wall at Jamaica Pond?

A. I do.

Q. Did you take any part in destroying that wall?

A. No, I saw it, that is all.

Q. Did you see it destroyed?

A. I did, about 600 feet.

Q. Who took that down, Mr. Almeida, do you know anybody who worked on it taking it down?

A. The park laborers.

Q. You do not recall who was the boss of that gang?

A. I think it was Mike McNeill, but I am not sure.

Q. You say there was 600 feet of it taken down?

A. About 600 feet.

Q. That was a granite wall?

A. That was a granite wall.

Q. What was the foundation of it, good or bad?

A. Very good granite, first-class granite.

Q. Did you see it thrown into the pond?

A. No.

Q. Do you know whether or not it is in the pond now?

A. No, I heard it was, but I didn't see it.

Q. But you say you saw them tearing it down?

A. I did.

Q. Did you hear of anybody advertising to sell that stone?

A. No.

Q. As an engineer, what would you say granite was worth in about that condition?

A. I don't know much about what is the price of it now.

Q. You have some idea of what granite is worth a perch, haven't you?

A. No, I haven't.

Q. Would it be worth a dollar a perch?

A. It would be worth more, perhaps two dollars and a half or three dollars.

Q. When did you work in Franklin Park?

A. I worked some last year.

Q. Did you do any building of walls there?

A. Yes, I saw them building walls.

Q. Did you take any part in it?

A. No, I had nothing to do with it. My section is mostly between Prince street and Commonwealth avenue.

Q. Where did you see them building walls during 1898 at Franklin Park?

A. I think they built them on Forest Hills street.

Q. Never mind what you think; I mean what you saw them building. Did you see them building walls?

A. Oh, I did see them building.

Q. Do you know anything about the building of a dry wall there in Franklin Park?

A. Yes, I did see that.

Q. Do you know personally about any discussion over the building of that wall?

A. Well, yes; I remember hearing them talking about it. Mr. Putnam proposed to build a cement wall and use mortar on that wall, and Mr. Pettigrew wanted a dry wall.

Q. What does a dry wall mean?

A. Only stone.

Q. Nothing permanent?

A. Nothing permanent.

Q. Just the stones laid one upon the other?

A. That is it, a dry wall.

Q. Do you know personally what the condition of that wall was after it was built, how long it endured in that state?

A. Well, it is there yet.

Q. Is it in good condition?

A. I heard that it had bulged out, but I didn't see it.

Q. What work have you done around the Arbor way?

A. I had charge of laying out the whole way, about six years ago.

Q. Did you work over there during 1898?

A. Yes, I did, on the walks.

Q. Who had charge of the work there then?

A. I did.

Q. Did you do any work there on the grounds of the Arboretum?

A. I laid out all the work on the Arboretum, with the exception of one drive. All the work done in the Arboretum I laid it out.

Q. Was this work done by you, done on the grounds of the Arboretum?

A. Yes, sir, some of it inside and some of it outside.

Q. How many men were working inside the Arboretum?

A. I remember about two gangs, I think perhaps about forty odd men.

Q. Did you know at that time, or do you now know, to whom the Arboretum belongs?

A. It belongs to Harvard College — the grounds.

Q. Do you wish to state that two gangs of men of your department were working on the grounds of the Arboretum?

A. No, on the roads.

Q. Did they go on the grounds of the Arboretum?

A. No, I never say them.

Q. Was no work done by your department on the Arboretum?

A. No, not on the grounds, not that I know about.

Q. What class of labor was working out there then?

A. On the grounds? Italian laborers.

Q. On the Arbor way?

A. On the Arboretum.

Q. I mean in your department, under you?

A. All I had under me was the engineering work. I had no charge of laborers.

Q. Working there for the Park Department?

A. I saw some Italians there planting for the Park system.

Q. For the Park system?

A. Yes, sir; the Italians that worked for Mr. Sargent, he turned them over to Mr. Pettigrew, and they did all the planting on the Arbor way between Centre and South streets.

Q. Of course, you don't know whether or not they were paid by the city of Boston?

A. No, I do not.

Q. You don't know anything about that?

A. No.

Q. You do know they were doing the city's work?

A. Yes, they were there about a month or over that.

Q. Do you recall any purchase being made on that account out there at that time?

A. I heard about it.

Q. Do you know of any being made while you were there?

A. No, I don't know.

Q. Now, when did you work at Jamaica pond?

A. I worked there all last fall.

Q. Did you see any loam delivered there?

A. Yes, sir.

Q. Who had charge of the receiving of the loam?

A. A boy.

Q. Who was the boy?

A. I don't know his name. All I know he was a humpback; I don't know his name.

Q. Was it Henry Brady?

A. I don't know his name; I never asked.

Q. Who was the boss there?

A. The boss was a lame fellow, but I don't know his name either.

Q. A lame boss and a humpbacked tally-boy?

A. Yes, I don't know his name.

Q. Was Whittimore the contractor who was supplying the loam there?

A. I don't know who was the contractor. I saw the teams coming in, but I don't know —

Q. Did you notice whether or not those teams were measured?

A. They were not measured when I was there.

Q. How long did you see them doing this?

A. I noticed it during four days at least, and I called the attention of one of my men to it.

Q. That the teams were not measured?

A. They were not measured, and they hadn't a load for a double team. They had a small load.

Q. By that you mean that they had a load that didn't fill an ordinary double team?

A. I mean to say that they had between 35 and 40 feet of loam.

Q. You don't know whether or not they were credited with a double load or a single load?

A. No.

Q. Two yards or one yard?

A. All I saw, I saw the boy giving the checks without measuring the teams.

Q. He didn't measure them at all?

A. No.

Q. About how many teams were coming in there in a day?

A. I don't know, but sometimes there would be five or six waiting for a check.

Q. Were there forty teams coming in there in a day?

A. I don't know; I have no idea.

Q. Did you ever see the contractor who was delivering stuff there?

A. No.

Q. Did you ever see the man you supposed was the contractor?

A. No.

Q. Where used this boy to be when he gave the checks?

A. Well, right near the Pine Bank; that is where I noticed him.

Q. Anywhere near the teams?

A. Near the teams, yes; he gave the checks to the teamsters.

Q. Were the checks given to the teamsters before the loads were dumped?

A. Yes, sir.

Q. Just as soon as a team came on the ground the driver got his check and dumped his load and drove off?

A. Yes, sir.

Q. You say you made a note of this to one of your men?

A. I did.

Q. Do you remember who the man was?

A. A man by the name of Andy Rorke.

Q. Do you know where he lives?

A. Jamaica Plain, I think.

Q. Is he in the Park Department now?

A. Suspended. I made a note also about the loam in the office.

Q. What do you mean by that?

A. I went into the office when the boys were there, the other engineers, and I said the teams were not bringing the loam they ought to.

Q. Whom did you say that to? To Mr. Stimpson?

A. No, I mean in the engineer's office, — to Mr. Howard and Mr. Boardman.

Q. You made the remark there for several days that this boy was not measuring the teams?

A. No, not about this boy, but saying that they were not measuring the teams. I saw that in different places.

Q. Did you go to Marine Park?

A. Yes, I had charge of all the work there.

Q. Do you remember being over there and taking levels on the Natural History pools?

A. Yes, sir, I had orders from Mr. Putnam.

Q. How long were you engaged on that work?

A, Well, I was very busy at the time, so I used to give about one hour or two a day to that work. I went there about three or four days, and when I had done about one-third of it, Mr. Pettigrew came down one day and asked me what I was doing. I told him I was taking levels to measure the loam when it was delivered, and he told me —

Q. Who told you?

A. Mr. Pettigrew. He told me, "All right, go ahead." Some time after, he came down again, —

Q. How long after?

A. Perhaps about a week after, it might be, and said for me to give up that work, because the loam would be measured in the scows and on the teams.

Q. Now, what is this system that you were working on to measure the loam?

A. You take levels on the ground before the loam is delivered, on a certain determined line, and after the loam is delivered you go over that same line and take levels. Then you find the difference of height, and then you —

Q. Is that the usual way of measuring ground that you are going to receive loam on?

A. That is the correct way.

Q. Is that the way it has always been done in your experience, with this exception?

A. Well, wherever it is possible to do it, we do it. In some places, it is not possible.

Q. In this case, it was possible?

A. That is the only correct way to do it.

Q. Was that way possible in that place?

A. It was possible.

Q. And Mr. Pettigrew told you to stop it, and said that it would be done on the scows and on the teams?

A. Yes, sir.

Cross-Examination.

Q. (By Mr. MATTHEWS.) The trees at Pine Bank were mostly Norway spruces, were they not?

A. They were fir trees, that is all I know. There were lots of hickory trees also.

Q. Were they foreign trees?

A. I don't know anything about that. I don't know much about trees. I don't believe any of the trees were foreign trees.

Q. You don't know what is meant by Norway spruce, do you?

A. No, I don't.

Q. The stones that you thought were worth a dollar and a half a yard, and which were dumped into Ward's Pond, you say were Roxbury pudding stone?

A. They were Roxbury pudding stone.

Q. They were not granite, were they?

A. Well, you see the parapet and the culverts were built

of Roxbury pudding stone, and the sides and arches were built of granite.

Q. You say the parapet was Roxbury pudding stone?

A. The parapet was Roxbury pudding stone.

Q. It was left rough, was it not?

A. Yes, sir.

Q. It was not squared stone?

A. Oh, no.

Q. That stone could not have been used in the wall on Prince street?

A. Yes, sir; on the foundation it could.

Q. It could not have been used for the superstructure?

A. No. It could have been used if they had built the wall of Roxbury pudding stone, but they were building the wall of granite.

Q. You say the wall on Prince street was granite?

A. I think it was granite.

Q. Wasn't it a seam-faced Roxbury pudding stone wall?

A. I haven't been there since the wall was built.

Q. If the wall that was being built on Prince street was either granite or seam-faced Roxbury stone, they could not have used these stones that you speak of that were thrown into Ward's Pond?

A. No, not on the face of the wall.

Q. They could have broken them up for the foundation?

A. Yes, sir; for the foundation.

Q. The foundation of the wall is always small stone, isn't it?

A. Yes, sir.

Q. You never spoke to any contractor who would give a dollar and a half for that stone?

A. No.

Q. You don't know any one who ever spoke to you on the subject?

A. No.

Q. Did you ever tell anybody connected with the department that you thought they could get a dollar and a half for the stone?

A. No, that is not my business, — no, I wouldn't do it.

Q. You were not in the habit of buying stone, or dealing with it in any way?

A. No.

Q. That is simply an off-hand opinion of yours?

A. That is all.

Q. Wasn't the Prince street wall built before these stones were thrown into Ward's pond? Do you remember the dates?

A. No, I do not remember the dates.

Q. Well, don't you think now, on refreshing your memory about it, that the Prince street wall was completed before these culverts were taken down near Ward's pond?

A. I don't believe it was. It might be, but I don't believe so.

Q. You would not be sure about that one way or the other?

A. I am pretty sure my way.

Q. You rather think it was not?

A. Yes, but we had been taking down stones on Leverett Park for many months before. They had been working there a long while.

Q. In regard to the failure to measure loam at Jamaica pond, did you report that to any one at the office?

A. I made the remark — the engineers were fooling about it, —

Q. You didn't report that to Mr. Putnam?

A. No.

Q. You didn't think it was of sufficient consequence to call to his attention?

A. No, I didn't think it was his business anyway, so I wouldn't do it.

Q. You didn't think it was of sufficient consequence to direct Mr. Pettigrew's attention to it?

A. Oh, yes, but that was not my business. I would not stick in my nose where I am not wanted.

Q. You did not, as a fact, call his attention or Mr. Putnam's attention to it?

A. No.

Q. Are you sure there was no granite in the abutments of the two or three culverts taken down last fall and put into Ward's pond?

A. Yes.

Q. Of course the bulk of the work was Roxbury stone?

A. The parapets were Roxbury stone.

Q. And most of the rough work was Roxbury stone?

A. Well, the ring stones might be Roxbury stone.

Q. How much of it do you think was granite?

A. I don't know. I saw the foundations of one; that is all I did see.

Q. (By Alderman GERRY.) I would like to ask one question. In your opinion, wasn't the design of that bridge a rustic design?

A. Yes, sir; all of the bridges over there are of rustic design.

Q. That was the reason why the stones were left in a rustic way, so to speak?

A. Yes, sir.

Q. The reason why they were made that way or left that way?

A. Yes, sir.

Q. (By the CHAIRMAN.) Did you ever hear of the reason why they tore down the bridge at Ward's pond and threw it into the pond?

A. Well, they did away with the walks; they ploughed up the walks, and so the bridge would be of no use if there was no walk.

Q. You are very familiar with that bridge that they tore down, are you not?

A. No, I am not familiar with it.

Q. Are you familiar enough to know that it was granite?

A. It was granite, yes.

Q. How many ton would you say were in that bridge, roughly estimating?

A. Oh, they were small bridges; you see, there were ten-foot walks going over them.

Q. Was there 150 ton of stone there, do you think?

A. I could not tell; I don't know.

Q. (By Mr. MATTHEWS.) How many cubic yards of stone would you say?

A. There might be between 20 and 30 cubic yards.

Q. Do you know anything about the trouble with the water levels after Ward's pond was excavated five or six years ago?

A. No, I had nothing to do with it at the time.

Q. You remember that there was hardly any water in those ponds below Ward's pond or in the stream?

A. There was always water there.

Q. What, in those little ponds?

A. Yes, sir; in the little ponds.

Q. And in the stream below?

A. I don't know much about the stream; I know the ponds there always had water.

Q. I don't mean the ponds on the north side of the hill. I mean —

A. You mean the small ponds?

Q. I mean the small ponds just below the outlet of Ward's pond. You don't mean to say that those ponds were full of water, except very seldom, do you?

A. When I was around there, they were always full of water.

Q. (By the CHAIRMAN.) You saw some work that Professor Sargent was doing there, did you not, with a lot of Italians?

A. I saw them working on the Arborway, planting shrubs.

Q. Do you know whether or not the city had to do that work over again?

A. No, I don't know.

Q. Did you work in Marine Park any time?

A. Yes, sir; I had charge of that Strandway and of all the work done there for the last three years.

Q. Do you know anything about the depth of loam put there?

Mr. MATTHEWS. — On the Strandway?

The CHAIRMAN. — On the seven acres and a half of land they put so much loam on.

A. You ask if I know the depth there now?

Q. Do you know what depth of loam they put in there?

A. When they started to put in the loam there, the foreman told me he had orders to lay it a foot and a half deep. A few days after he told me that he was going to run it down to twelve inches. Some time after he told me that he might have to run it down to ten inches. That is all I know about it.

Q. You never measured any part of that to see what the depth of the loam was?

A. No; I think it will average about a foot. I drove some stakes there some time when I laid out walks.

Q. (By Mr. MATTHEWS.) Do you know anything about a rip-rap wall being built along the Strandway?

A. No, that is in the Street Department. The Street Department was doing that work.

Q. There was a rip-rap wall along the Strandway, wasn't there?

A. Well, everything west of I street was done by the Street Department.

Q. You don't know anything about that wall?

A. I don't know anything about that wall.

Q. Is that wall in the park system?

A. It is in the park system; I think it is Ninth street.

Q. Running from O street to Farnham's coal wharf, — you know the location, I mean?

A. I know what you mean.

Q. It was not built by the Park Department?

A. I do not think it was.

Q. (By the CHAIRMAN.) It is a part of the park system?

A. It is a part of the park system.

Q. You say the park system did not build that wall?

A. I think when they took that place there the wall was there.

Q. You think it was there?

A. I am not sure about it.

Q. Before the Park Department came in and built the Strandway?

A. All I know, I saw the wall there.

Q. (By Alderman GERRY.) You are an engineer — where did you get your education?

A. In Lisbon, Portugal.

Q. You went to college, did you?

A. I went to college but I did not get my engineering education there.

Q. You had a college course?

A. Yes, sir.

Q. Are you in any way an artist?

A. No, no artist.

Q. You do not paint or anything of that sort?

A. No.

Q. Do you consider that you have artistic abilities or ideas?

A. I think I have some ability; yes, sir.

Q. You think, in a certain way, you are artistic in your temperament and tendencies?

A. Yes, sir.

Q. Now, I wish you would tell the committee whether you consider that that arrangement of bridges and culverts and grounds generally was artistic or not before it was destroyed?

A. It was very artistic. Everything looked very natural there before.

Q. (By the CHAIRMAN.) Do you think the stuff they threw into Ward's pond was good enough to go into the stone wall that was being built by the park system?

A. It was good stone for foundation; yes, sir.

Q. That would answer the purpose for that stone wall, wouldn't it?

A. Yes, sir.

Mr. MATTHEWS. — For foundation, Mr. Chairman.

The WITNESS. — For foundation; yes.

Q. (By Mr. MATTHEWS.) After loam had been spread, and has lain a year before it is planted, does it shrink much in depth?

A. Yes, sir, it shrinks.

Q. How much should you say?

A. I think it might settle about two inches.

Q. Two inches to the foot, do you mean?

A. Two inches in height.

Q. Two inches to the foot?

A. No, not to the foot.

Q. Supposing it was spread a foot deep originally, in a year you think it would shrink two inches?

A. Yes, sir, two inches on the whole area.

Q. In depth?

A. Yes, sir.

Q. (By the CHAIRMAN.) About what per cent. of depression would there be in the loam in one year — what per cent. per foot?

A. Well, it would shrink about two inches, I think.

Q. After a year's time, do you think that the depression would cease?

A. Oh, yes, it would cease after a year.

Q. (By Alderman GERRY.) You mean it would stay about that depth?

A. That is what I mean.

TESTIMONY OF JOHN J. DEMPSEY.

Q. (By Mr. LUNDY.) What is your full name?

A. John J. Dempsey.

Q. Where do you live?

A. 994 Tremont street, Roxbury.

Q. Have you been employed in the Boston Park Department?

A. Yes, sir; very near three years.

Q. Are you employed there now?

A. No, sir; I am suspended.

Q. You were suspended with the general crowd about February 10th or 14th?

A. Somewhere around there.

Q. In what capacity did you work for the Park Department?

A. Laborer.

Q. Were you ever suspended at any other time until this last suspension, for any length of time?

A. Well, two years ago this winter, I guess, we worked about a week and a half or two weeks from the week after Christmas up to the first of March. We worked about two weeks.

Q. What was your salary in the department?

A. $12 a week — $2 a day.

Q. You never worked Sundays, did you?

A. Well, yes. A year ago this winter, I worked a couple of hours Sundays.

Q. If you worked Sundays, would you get extra pay for it?

A. That time we were opening the gates over on Beacon street, the time that the tide was coming in and going out, and we had to go up there every Sunday to open and shut the gates. We used to go there twice on Sunday, and we got five hours' pay for that.

Q. When did you work at the Back Bay Fens?

A. Until the week after Christmas.

Q. Of last year?

A. Yes, sir, until the week after Christmas of last year.

Q. What did you do there?

A. Worked with the gangs.

Q. Have you ever served as tally man?

A. Yes, sir.

Q. Receiving loam?

A. Yes, sir.

Q. Did you measure loam?

A. No, sir.

Q. Who measured the loam there?

A. No one.

Q. Wasn't the loam measured at all?

A. Not there.

Q. Do you mean to say that at the Back Bay Fens there were loads of loam left there that were not measured?

A. Yes, sir.

Q. Who had charge of the gang there?

A. I was the only man there.

Q. How many loads of loam did you see deposited there?

A. They used to fetch about fifteen loads a day for about seven or eight days.

Q. Did anybody instruct you to measure the loam?

A. No one.

Q. Did you give any receipts for the loam?

A. No, sir.

Q. Were not any receipts given?

A. Not as I know of.

Q. Were you in the place where the loam was actually delivered?

A. I was.

Q. You never measured any of the loam? You saw it on the teams?

A. I never measured any of the loads.

Q. Nobody that you knew of ever gave any receipt for it?

A. No, sir.

Q. Did you know any of the contractors delivering loam there?

A. I guess the delivery was done by one contractor by the name of McCarthy.

Q. What McCarthy is that?

A. I don't know his name, only he belongs up around the Mission Church.

Q. You call him the only contractor there?

A. I guess he was the only one.

Q. Who had charge of that part of the park system at that time in the matter of laying out the general work? Who did you work for?

A. Mr. Martin was my boss.

Q. Did you ever see Mr. Martin give any receipts for loam?

A. No, sir.

Q. Were you in a position where you could see Mr. Martin for any length of time during the day?

A. He used to call around there once or twice a day, sometimes three times.

Q. All the loam delivered over there was not delivered at your section of the park, was it?

A. Yes, sir.

Q. All that was delivered there?

A. Yes, sir. I will tell you the way it was. They were going to plant trees over there, and we had to dig down four or five feet. There was gravel underneath and one foot of loam on top, and we had to take the loam off and send the gravel away in teams, and put loam in place of the gravel.

Q. How deep did you put that loam?

A. I think it was five foot, — four foot besides the foot that we took from off the top.

Q. After you got through, you had five feet of loam there, did you?

A. I forget now whether it was four or five foot.

Q. It was at least four feet?

A. I guess it was.

Q. And this was delivered to you on the spot?

A. Yes, sir.

Q. Do you know whether there was any record kept of that loam being delivered?

A. I used to have to give account of the loads at night to Mr. Martin.

Q. How did you keep account of the loads of loam that came there?

A. I had a paper, and every night — or at least when the loads came, I used to give him the record at night.

Q. Did you have a regular tally sheet?

A. No, sir.

Q. An ordinary slip of paper?

A. An ordinary slip of paper.

Q. Did you keep an accurate account of those loads?

A. Yes, sir; I did.

Q. You could not tell how much there was in each load, could you?

A. I could not tell, no sir.

Q. How did you figure it, then? Did you say so many yards?

A. I used to tell him how many loads.

Q. How many teams?

A. Yes, sir.

Q. That is all you could tell?

A. That is all I could tell.

Q. That continued over how long a period?

A. About seven or eight days.

Q. Do you know why they put you into that position, to take charge of that loam?

A. I don't know.

Q. You used to give the drivers a receipt for the loam, didn't you?

A. No, sir.

Q. Never?

A. No, sir.

Q. You were not furnished with any book?

A. No, sir.

Q. Did you know anything about the quality of loam at that time?

A. No, sir.

Q. Do you know anything about the quality of loam now?

A. No, not much.

Q. If, at that time, they had sent you a load of bad loam, would you have known the difference?

A. Well, no, I would't know the difference.

Q. Would you know the difference between mud and loam?

A. Yes, sir, I would.

Q. Whether or not you would know the difference between something that was a compromise between them and loam?

A. No, I wouldn't.

Q. Then they might have sent inferior loam, and so far as you were concerned, you wouldn't know the difference?

A. No, sir.

Q. You never were instructed to examine the loam when it came?

A. No, sir.

Q. Do you know whether or not it was examined?
A. I don't think so.
Q. You never saw it examined?
A. No, sir.
Q. You had no reason to believe it was?
A. No, sir.
Q. Did Mr. Shea ever come over there?
A. No, sir.
Q. Mr. Pettigrew?
A. I saw Mr. Pettigrew pass by there a couple of times, but he never stopped.
Q. Did you ever come in personal contact with either of them at that time at that place?
A. No, sir.
Q. For a period of a week and a half you were in sole charge of that particular section, so far as the loam went?
A. A week or seven days.
Q. Do you know anything about the destruction of shrubs and bushes in the Back Bay Fens?
A. Nothing, only some trees.
Q. Did you take part in the destruction of any trees?
A. No, sir. I was working on a contractor's tip-cart that was fetching them to the dump, and I saw them before they were cut down.
Q. Did you see anybody cutting them down?
A. Yes, sir.
Q. You don't know anything about trees, do you?
A. Well, not much.
Q. Were these good looking trees — large, well developed trees — that you saw taken?
A. They were good looking trees. They were mountain ash, and were about six inches thick — good looking trees.
Q. You don't know under whose orders they were taken down, do you?
A. No, sir.
Q. Do you know anybody who was engaged there in destroying bushes?
A. Well, yes, there was —
Q. Who was the foreman in charge of the gang?
A. A fellow by the name of Peter McMannis.
Q. Do you know where he lives?
A. No, I do not.
Q. Do you know anybody under him?
A. Yes.
Q. Do you know a man named Gately?
A. Yes, sir.

Q. Where does he live?
A. In Roxbury, some place.
Q. Do you know a man named Shields?
A. Yes, sir.
Q. What is his first name?
A. Martin.
Q. Do you know where he lives?
A. I guess he lives out around Dorchester, some place.
Q. Have you ever had any conversation with Mr. Stratton?
A. Yes, sir.
Q. Upon what particular subject?
A. Well, on several subjects.
Q. Did you ever discuss the Pettigrew matter with Mr. Stratton — the Pettigrew employed by the Commission. Did you ever have any talk with Mr. Stratton about that?
A. About Mr. Pettigrew?
Q. Yes.
A. No, sir.
Q. What matters have you discussed with Mr. Stratton?
A. Well, the uniforms and several other grievances.
Q. Do you belong to any labor union?
A. Yes, sir.
Q. Whether or not the Park employees have any particular branch of that union?
A. Yes, sir.
Q. Are you holding office in that?
A. Yes, sir.
Q. What was this grievance about the uniforms?
A. Well, we all got orders for uniforms — a year ago the fourteenth of January — to go down and get fitted with uniforms.
Q. Whereabouts?
A. Down to Leopold Morse's.
Q. You were instructed to go that place?
A. Yes, sir, from the notification we got.
Q. Who gave you the orders to get uniforms?
A. Mr. Martin came around with mine.
Q. How was the order signed?
A. He told us for to call there to get measured for uniforms, and Mr. Ogden's name was signed on the notice.
Q. Mr. Ogden is a man connected with the headquarters of the Park Department?
A. Purchasing agent, I understand.
Q. You actually received the notice from Mr. Ogden telling you to go and get a uniform?
A. Yes, sir, but Mr. Martin brought it around to us.

Q. Did you understand you were to go to one particular place to get the uniform?

A. Yes, sir; Leopold Morse's.

Q. Did you go there and get the uniform?

A. Yes, sir.

Q. Did you make any protest on that?

A. Yes, sir.

Q. To whom?

A. To Mr. Stratton.

Q. Did you see Mr. Stratton personally?

A. Yes, sir.

Q. What did you say to Mr. Stratton about the uniform?

A. Well, we told him that we had a meeting of the members —

Q. Who had the meeting?

A. The labor union. The labor union had a meeting and we told him that the members were not very well satisfied with the idea of uniforming, and we wanted to know if he could not stop it. He said no.

Q. He said you were to wear uniforms?

A. That we were to wear uniforms.

Q. Did you make any protest on getting these uniforms at any particular place?

A. No, sir, not then.

Q. Did you at any time?

A. I think there was a protest made.

Q. Never mind what you think. Did you make a protest?

A. No, sir.

Q. Did you take part in any protest?

A. No, sir.

Q. Was it specified in the order that you were to get your stuff at Leopold Morse's?

A. Yes, sir.

Q. And that appeared as a part of some order?

A. Yes, sir.

Q. What other grievance did you discuss with Mr. Stratton?

A. About the salary of the teamsters.

Q. What question was that that you raised?

A. The teamsters of the Park Department worked seven days a week and they got $12.66.

Q. You know this, do you?

A. Yes, sir. In the summer time they have to work 12 and 13 hours a day for $12.66 a week.

Q. Do they do that at the present time, or did they the last time they were working?

A. They do it in the summer time.

Q. Do they work under the Park Department?

A. They work under the Park Department.

Q. Who has charge of that particular branch, if you know?

A. I don't know.

Q. Do you know a man named James Maglue?

A. Yes, sir.

Q. What does he do?

A. He is an engineer on the park at night.

Q. Do you know where Mr. Maglue lives?

A. In Roxbury.

Q. Do you personally know how Mr. Maglue is rated in the department, what he is supposed to be?

A. No, sir, I do not.

Q. Do you know what work he does?

A. Night watchman and engineer.

Q. You say night watchman and engineer; do you know positively that he does work as a night watchman?

A. He does nights; that is, he goes to work night times.

Q. You also say that he is an engineer; do you know that he tends any engine?

A. Yes, sir; I saw his license over there.

Q. You saw his license?

A. Yes, sir.

Q. You mean to say you have seen a license for James Maglue as an engineer?

A. Yes, sir.

Q. You haven't seen any license for him as a night watchman?

A. No.

Q. Why do you say he does both?

A. Well, I see he works nights anyway.

Q. Well, a man might be a night engineer and not a night watchman?

A. That might be.

Q. What you mean to say is that he is simply an engineer that works nights?

A. Yes, sir.

Q. He is working under his own license?

A. Yes, sir.

Q. Do you know of any man working out there as an engineer who hasn't got a license?

A. A fellow by the name of Frederick Prior.

Q. Where does he work?

A. At the Administration Building.

Q. Where does Frederick Prior live, do you know?

A. I do not.

Q. How do you know Frederick Prior hasn't got a license? (Witness hesitated.) I will put you an easier one. Have you ever seen Frederick Prior working as an engineer?

A. Yes, sir.

Q. What time of day does he work?

A. All day.

Q. Do you know what his salary is?

A. No.

Q. Do you know the man personally?

A. Yes, sir.

Q. Now, how do you know he hasn't a license as an engineer?

A. Well, I went down to the civil service for to find out whether —

Mr. MATTHEWS. — Don't you think you had better prove that from the records?

Mr. LUNDY. — I am trying to find out if this man told him.

Mr. MATTHEWS. — It is a matter of record, of course. It is easy to prove it if it is so.

Mr. LUNDY. — All right.

Q. Do you know of anybody out there who takes care of engines, aside from this case, who is not an engineer?

A. No, sir.

Q. Do you know of any stable man taking care of engines?

A. None, only him.

Q. Is he a stable man?

A. He is supposed to be. They call him the stable man.

Q. Have you ever seen this man Prior taking care of horses?

A. I have seen him harnessing them.

Q. At the stable?

A. Yes, sir.

Q. You have also seen him taking care of an engine?

A. Yes, sir.

Q. Do you know a man named Meaders?

A. Yes, sir.

Q. What is his first name?

A. James Meaders.

Q. Where does he live?

A. I think it is 40 Sarsfield street, Roxbury.

Q. What did Meaders do, do you know? What have you ever seen him doing?

A. I have seen him picking up papers in the path, and seen him up at the stable cleaning out the stable.

Q. Do you know what he was doing? Was he ever in any gang you were in?

A. No, sir.

Q. Do you personally know anything about what his duties are?

A. He was supposed to be a water boy.

Q. Did you ever see him doing anybody's else work?

A. I have seen him doing the stable work.

Q. Whose stable work?

A. Up at the Administration Building, up at the park stables.

Q. Is there more than one man working at the stables?

A. No, sir, only this Frederick Prior and young Meaders.

Q. You don't know whether young Meaders is supposed to do that work or not, do you?

A. No, sir, only what he told me himself.

Q. Do you know anything about the burying of any curbing at the Fens?

A. Yes, sir.

Q. When was this?

A. A year ago last February.

Q. Will you state, briefly, to the committee just what that was?

A. Well, as you went from Commonwealth avenue on the Back Bay path on Boylston street, there was an electric light there and there was a circle around the electric light. That was all curbed and —

Q. What did this curbing consist of, — what kind of stone?

A. I don't know what you call it — ordinary curbstone. We got orders from the boss for to take the loam up inside of this curbstone, and we dug the loam up and sent it away on the team. When we had it all dug up, we got orders to throw over the curbstone and bury it there.

Q. How much of this curbstone was there that you buried?

A. I should judge between 75 and 80 feet.

Q. Wasn't there 90 or 100 feet?

A. There might have been.

Q. To the best of your knowledge, was there as much as 100 feet?

A. No, I don't think so.

Q. You don't know what that was worth, do you?

A. I don't know.

Q. Who was in charge of that job?

A. McMannis.

Q. Did he give orders to buy it?

A. Yes, sir.

Q. Did you see any of these other officials over there at that time?

A. I think I saw Mr. Pettigrew there once.

Q. Did you see him take part in any conversation about this thing?

A. No, sir.

Q. Ever direct anything about it?

A. No, sir.

Q. Or Mr. Shea?

A. No, sir.

Q. Now, do you recall any further removal of curbstone?

A. Yes, sir. Last summer there was a triangle over there—

Q. Where was this?

A. Over on Boylston street.

Q. Near where?

A. Very near the same place.

Q. Near Commonwealth avenue?

A. Yes, sir.

Q. Now tell us about that?

A. They were going to widen the street over there, and of course they had to cut off a piece of the triangle.

Q. How much did they cut off?

A. I should judge they cut off about six feet.

Q. Six feet of curbstone?

A. Yes, sir.

Q. What did they do with that curbstone?

A. They buried part of it.

Q. What did they do with the rest of it?

A. I don't know what they did with the rest of it.

Q. Do you know whether it was ordered by anybody that they should bury that?

A. No, sir.

Q. (By the CHAIRMAN.) Do you know if that curbing is there now, where they buried it?

A. Yes, sir.

Q. Could that be found there?

A. Yes, sir.

Q. Whether or not any other circles were built around electric lights afterwards there?

A. Not as I remember.

Q. Do you know of any place that you are familiar with in the Back Bay Fens where that curbing could be taken up and used?

A. No, sir; not unless they could send it out to the crusher and have it crushed for cracked stone.

Q. I want you to state this fact — I am not clear on it. Probably some of the committee are, but I am not. You say that some 15 or 20 team loads of loam came in there and no checks were given to them. What did you mean to say by that?

A. There was no checks given for the loam.

Q. Who was the loser by that, the city or the contractors? Did they ever get any credit for that?

A. Yes, sir.

Q. In what way?

A. I used to go to Mr. Martin and give him the number of loads at night, but I never gave him any checks.

Q. Did you keep any record of the names of the people who delivered the loam there?

A. No, sir.

Q. How could you inform Mr. Martin whom to pay for that loam or whom to give credit for it?

A. I don't know, only the number of loads that came in there.

Q. Was it all from one contractor?

A. Yes, sir.

Q. You simply kept account of the loads and gave them in in a lump sum in the evening?

A. Yes, sir.

Q. (By Mr. MATTHEWS.) You looked to see that the loads were full loads, didn't you?

A. I didn't bother.

Q. You say they didn't require you to do that?

A. No, sir; I just saw the teams come in.

Q. Some one had to watch them, didn't they?

A. No, sir.

Q. Where was this — Back Bay Park?

A. Yes, sir; Commonwealth avenue.

Q. It is a common way to buy loam by the load, isn't it?

A. Yes, sir.

Q. That is, ninety-nine persons out of a hundred who have occasion to buy loam or gravel, buy it by the load, not by the cubic yard and have it measured — they buy it by the load?

A. Yes, sir.

Q. (By the CHAIRMAN.) Did you ever see any loam used there for filling?

A. No, sir.

Q. This 75 or 80 feet of curbing, how deep did they bury it?

A. I guess about two foot or two and a half.

Q. It is now about two feet below the surface?

A. Yes, sir; about two feet below the surface.

Q. You could tell the spot where it is, could you?

A. Yes, sir.

Q. (By Mr. MATTHEWS.) That was left where it was — it wasn't taken up and moved?

A. No, sir; just thrown over and buried there.

Q. It was cut to a curve of a particular size, was it?

A. Yes, sir.

Q. You spoke about a triangle there — how many feet of it was buried?

A. They buried two of the corner pieces of this triangle.

Q. Was that all?

A. Yes, sir; that is all I saw them bury.

Q. What did they do with the rest of it?

A. I was not working with the gang there; I happened to be passing by when they buried those two pieces.

Q. Then you went away?

A. Yes, sir; I wasn't working with the gang; I was working right opposite and happened to see them bury these two corner pieces.

Q. Is that curbing taken away?

A. I don't know about that.

Q. You don't know but what the rest of the curbing remains there?

A. Yes, sir.

Q. Those two corner pieces were also special pieces?

A. They were round pieces.

Q. (By Alderman GERRY.) Who did the burying of the stone? Did you dig the trenches?

A. No, sir; I wasn't working on that gang.

Q. I mean the first lot?

A. Yes, sir; we took the loam that was inside of the curbstone and sent the loam away in a team, and then we got orders from the boss to tip the curbstone over and bury it there.

The CHAIRMAN. — The Committee stands adjourned until two o'clock next Tuesday.

SIXTH DAY.

CITY HALL, March 27, 1900.

The committee met in the aldermanic chamber, City Hall, at 2 o'clock P.M., Chairman NORRIS presiding, and all the members of the committee present.

Appearances — Same as before.

The CHAIRMAN. — The committee will please come to order. Counsel will call his first witness.

TESTIMONY OF JAMES O'BRIEN.

Q. (By Mr. LUNDY.) Your full name is James O'Brien?

A. Yes, sir.

Q. Now, Mr. O'Brien, speak up as loudly as you can, so that the committee and others may hear you. You live at Garfield street, Jamaica Plain?

A. Yes, sir.

Q. What number, please?

A. There is no number.

Q. You have been in the employ of the Park Department?

A. Yes, sir.

Q. For how long?

A. For about thirteen years.

Q. And are you employed there now?

A. Yes, sir; as a sub-foreman.

Q. Well, are you on the suspension list, or actually working?

A. Working.

Q. You are now working?

A. Yes, sir.

Q. Now, what has been your business, Mr. O'Brien?

A. General work, in construction and all kinds of work, in the parks.

Q. You are a foreman?

A. Yes, sir.

Q. How many men do you usually have under you?

A. It depends on the amount of men employed on the parks — sometimes fifty, sometimes thirty, sometimes less.

Q. Well, they will average about thirty, will they?

A. Average twenty-five or thirty.

Q. I ask you again to speak as loudly as you can, so that the Chairman may hear.

A. Yes, sir.

Q. Whether or not you did considerable road building under Superintendent Howe or Mr. Howe, who acted as superintendent?

A. Yes, sir, a good deal of it.

Q. And whether or not you have done much road building under Superintendent Pettigrew?

A. None whatever.

Q. Now, will you state what you were doing, as far as you can remember, in the spring of 1898?

A. The spring of 1898 — came down from Billings Field, the ice field, in 1898, and then was placed in the Arboretum.

Q. What kind of work did you do there, Mr. O'Brien?

A. At the ice field?

Q. Yes, sir.

A. Cleaning the snow off the ice for the children to skate on.

Q. And right after that what did you do?

A. General work around the ledge and the Arboretum.

Q. And what was the character of the work you did around the Arboretum?

A. Clearing out the sub-grade of the road, taking the snow off it.

Q. And under whose direction was that work done?

A. General Foreman Shea.

Q. Now, when did you assist or take part in the building of a street leading from the greenhouses to Canterbury street?

A. The last of November, about the middle of November or the first of December.

Q. And your work there consisted merely of digging, or did you take part in the digging?

A. Digging, sub-grading.

Q. How much loam did you take off when you were sub-grading?

A. About two feet.

Q. Two feet, from how great a space?

A. Seventeen feet in width.

Q. How much loam should you say you took off altogether, Mr. O'Brien?

A. Well, somewhere in the neighborhood of 150 yards or 250 yards, to the best of my knowledge.

Q. What did you do with that loam?

A. Threw it to one side.

Q. What was done with the loam afterwards?

A. By orders of Mr. Pettigrew, ordered to put it right back in the same bed again.

Q. Let us see; you were taking the loam?

A. Yes, sir.

Q. And dug out some 250 yards of loam; is that right?

A. Yes, sir.

Q. You know something about loam, do you not?

A. I should say so.

Q. Do you consider that the loam you dug out of that roadbed could have been utilized for the ordinary purposes of loam?

A. Most undoubtedly, sir; it was the richest of loam.

Q. And you say that, under the direct orders of Superintendent Pettigrew, you piled that back in the same place?

A. The same place; yes, sir.

Q. Do you know what his object was in digging up the place at all?

A. I don't know. I had to obey the orders of my superior.

Q. Was Mr. Pettigrew your superior?

A. Mr. Pettigrew was my superior.

Q. And after taking it out he ordered you to put it back?

A. Yes, sir.

Q. What did you do besides that?

A. We had filling hauled from the Arboretum.

Q. And filled in over the loam?

A. No; left the loam in there.

Q. For filling?

A. For filling.

Q. Do you know what they were paying for filling at that time?

A. I do not, sir.

Q. Do you know anything about the quality or price of filling?

A. According to the quality or price they were paying for loam, — somewhere about 63 cents a yard.

Q. For loam?

A. For loam.

Q. Do you know what they were paying for filling?

A. No other filling, that I know of going in, to my knowledge.

Q. Do you mean to say that all the filling was of loam?

A. What they filled with, loam, came from the Arboretum, as I have said, sir.

Q. But not that same loam?

A. Yes, sir.

Q. The same that was taken out?

A. Yes, sir.

Q. Did you ever call Superintendent Pettigrew's attention to the quality of this loam?

A. No, sir; not there.

Q. Well, did you at any time call his attention to it?

A. No, sir; not there, while handling that loam.

Q. Not while handling that loam?

A. No, sir.

Q. Now, at any time during your experience in the Park Department, Mr. O'Brien, have you assisted in placing any rustic work in our park system?

A. Yes, sir; such as stone, etc.

Q. Well, can you recall any particular feature in which you assisted?

A. Down in Leverett Park is one place; down in the Overlook, in Franklin Park, is another.

Q. Well, under whose directions did you do that work?

A. The assistant engineer, Mr. Howe; the gardener, Mr. Fischer.

Q. Do you recall removing any of the work that you had taken part in placing?

A. Removing? Yes, sir; I have been removing stone work that I have helped to place in position.

Q. Then, to make it perfectly plain, you have destroyed work that you assisted in constructing. Is that so?

A. Yes, sir.

Q. Now, name what work you have destroyed that you assisted in putting up?

A. Stone work — throwing it into the pond, Leverett Pond, and the little pools.

Q. That is Leverett Park, Jamaica Pond?

A. Yes, sir.

Q. State what work was there that you assisted in destroying?

A. Hauled large boulders, to make rustic work there, and then took them from there to put into these pools that were covered up.

Q. Do you understand why you threw this stone into the pools?

A. No, sir.

Q. Can you state what the quality of the stone was that you threw into the pools?

A. Common boulders.

Q. And what were they common boulders of?

A. Roxbury pudding stone.

Q. And did you understand that these stones were placed in the ponds for the purpose of filling the ponds?

A. Filling the ponds, as material was scarce.

Q. As what material was scarce?

A. The gravel, etc.

Q. Now, who told you that the gravel was scarce?

A. Well, it appeared to be that way.

Q. It appeared to be that way?

A. Yes, sir, to me — nobody told me so.

Q. Well, whether or not that stone was valuable as stone for building walls, at that time?

A. Rustic walls, it might, but there was no face to it.

Q. No face stone?

A. No, sir.

Q. Now, wouldn't that stone be more valuable for using in walls than for throwing it into the pond as filling?

A. I should say so.

Q. You have said you know something of the quality of stone and the value of it?

A. Yes, sir.

Q. Now do you know — do you recall at this time — anything of the expense or the value of placing those stones in that wall?

A. In which wall, sir?

Q. Those stones we have been talking about, at Leverett Park?

A. The rustic work?

Q. The rustic work, yes, sir.

A. Might cost $6 to $10 a day for placing the layers in certain places.

Q. And how long ago did you place them there?

A. 1895 or 1896.

Q. And now, after a period of three years, or four at the outside, they removed those same stones?

A. Yes, sir.

Q. And throw them into the pond?

A. The same, yes, sir.

Q. Now, have you ever had any charge of loam?

A. Yes, sir.

Q. Where?

A. At Leverett Park, Franklin Park, — both places.

Q. Anywhere else?

A. No.

Q. Did you ever have any charge of receiving loam at South Boston?

A. Never, sir.

Q. Now, do you know whether or not you have ever had charged to you any receipt book for loam in South Boston?

A. I was told by the messenger of the Park Department that they had twelve books charged to me from South Boston.

Q. Who is the messenger of the Park Department?

A. Timson — George Timson.

Q. That is the man who is called clerk of the Commissioners?

A. No, sir; that is his father.

Q. Now, when did Mr. Timson tell you that you had loam books charged to you in South Boston, when you were not there?

A. A year ago last fall.

Q. How many did he say you had charged to you in South Boston?

A. One dozen.

Q. Then you had twelve check books charged to you in South Boston, as you understood it, when you were not there at all?

A. Yes, you understand it, sir, — twelve charged to me in South Boston, and I was not in South Boston.

Q. Now, to make it perfectly clear, and not repeat myself too much, you understood from Mr. Timson, the Park Department messenger?

A. Yes, sir.

Q. Who is son of Mr. Timson, who is clerk to the Park Department, — that you had charged to you twelve loam receipt books for South Boston, when you had not been near South Boston? Is that a fact?

A. That is a fact, sir.

Q. And, so far as you know, did those twelve books represent 1,200 receipts or checks for loam?

A. 1,200 checks for loam.

Mr. MATTHEWS. — Mr. Lundy, you are leading the witness a little.

Q. Mr. LUNDY. — I think perhaps I am in the last question — not before that.

Mr. MATTHEWS. — I think you had better ask him his recollection as to the fact.

Mr. LUNDY. — Very well.

Q. (By Mr. LUNDY.) Now whether or not you have ever communicated with Mr. Timson, the clerk, upon this subject?

A. Never, sir, until he came to me on the work.

Q. Repeat that answer — I did not get it.

A. He came to me on the work and wanted to know how those books got to South Boston. I asked him "what books?" He made it known to me that he referred to the twelve books drawn on my name at Pine Bank by some boy.

Q. Well, now then, you desire to state this, that Mr. Timson, who is clerk of the Park Commission at Pine Bank, and who, so far as you know, has charge of the possession of the loam books, came to you and asked you where the loam books were that were charged to you in South Boston. Is that it? Do I state it right?

A. Yes, sir.

Q. And you told him what?

A. I told him I never had the like — never got any.

Q. And then what did Mr. Timson say to you?

A. He came to me in two days again and repeated the same errand that he did the first time.

Q. Did he say what boy had taken these loam books that you were charged with?

A. No, sir.

Q. Now, whether or not that struck you as being a peculiar statement at the time?

A. It did, sir.

Q. Did you make further inquiry into it?

A. In the course of five days more, he told me that he found out about it.

Q. Told you that it was all right in five days?

A. Yes, sir.

Q. Then — if you know this, Mr. O'Brien, say so — after, as you understood it, you had been charged by Mr. Timson, the clerk of the Park Commission at Pine Bank, with the possession of receipts or checks representing 3,600 yards of loam —

A. It seemed that way, sir.

Q. And those checks you had never received?

A. Never, sir.

Q. And on two occasions the clerk, Mr. Timson, charged you with being in possession of them.

A. Yes, sir.

Q. Five days after the second occasion Mr. Timson discovered that the books had been accounted for — is that it?

A. Yes, sir; that is about it, sir.

Q. Now, in fact, at the time what were you doing?

A. I was in West Roxbury — Billings Field, West Roxbury.

Q. Doing what?

A. Ice cleaning, for skating.

Q. Did you remove any granite there?

A. No, sir; there was no granite on the playground.

Q. Well, have you removed any granite during the present calendar year?

A. Have been removing rocks for the last two or three weeks.

Q. Where?

A. Franklin Park.

Q. Well, have you removed any granite during the last year?

A. Nothing but the steps at Leverett Park, steps to Ward's Pond.

Q. How much granite did you remove there in the form of steps?

A. Probably 400 feet.

Q. 400 feet, in steps?

A. Yes, sir.

Q. Now, if you could place that into the number of perch of stone that you removed?

A. These were steps, sir, going up.

Q. Then you couldn't put it in that way?

A. No, sir.

Q. What was done with the granite there?

A. I piled it up on the side of the hill, and after that I was removed from there to another location.

Q. Do you know whether it was relocated, whether it was used somewhere else?

A. It was left on the side of the hill, for the teams to get.

Q. You have no idea where that went to, do you?

A. No, sir; I have not.

Q. Have you any idea what the value of that granite was?

A. Well, it was this Roxbury pudding stone, cut for the purpose of being used in those steps.

Q. Yes?

A. Might not be as valuable as Quincy granite.

Q. And might be?

A. No sir; not quite.

Q. Well, approximately — almost?

A. Yes, sir.

Q. You have no idea to what purpose that stone was put, have you?

A. No, sir.

Q. Now have you any idea how much stone there is, waste stone belonging to the city, lying in Franklin Park?

A. Not a great deal of waste stone, sir.

Q. Perhaps I misled you by the words "waste stone," but isn't there a great deal of stone in Franklin Park that might be used for the purpose of wall building?

A. They are all gathered up pretty well, sir, gathered up pretty clean.

Q. Well, were they six months ago?

A. No, sir; not quite. They have been gathering them for the last four months.

Q. Well, whether or not you know of times when filling was purchased when they had filling on Franklin Park?

A. I didn't know of any filling they ever bought, unless it was loam.

Q. Well, do you know of their buying loam for filling in the last two years?

A. No, sir; not for filling, that I know of.

Q. Do you know of their buying loam that was used for filling other than has been testified to?

A. Yes, sir; I know of putting it on mounds and making the mounds higher.

Q. Do you know that planting afterwards took place at at the same place?

A. Yes, sir; I know of planting.

Q. You know of that?

A. Yes, sir.

Q. But do you know of loam being used for filling, aside from what you have already said?

A. No, sir; I do not.

Cross-examination.

Q. (By Mr. MATTHEWS.) These check books that were erroneously charged to you were blank books, were they?

A. All blanks.

Q. Weren't signed by anybody?

A. Nobody.

Q. And they couldn't be used for drawing money from the city?

A. Not until after they are delivered at Pine Bank.

Q. At the time when they are drawn by the foreman or sub-foreman they cannot be used to draw money out of the city?

A. No, sir — only to account for the number of loads delivered.

Q. They are not worth anything?

A. Not until the coupons are given to the contractor or returned to the office at Pine Bank.

Q. They are not worth anything until somebody signs them?

A. No, sir.

Q. And you understood that twelve have been charged to you in error, for some other foreman or sub-foreman?

A. Yes, sir.

Q. And you afterwards learned that that mistake had been discovered.

A. Yes, sir.

Q. These steps taken out of Leverett Park were saved, weren't they?

A. I think so, from the position in which they were put. I think it was intended to save them, by the position in which the general foreman wanted them put.

Q. They are steps that could be used?

A. Yes, sir — steps going down to Ward's Pond.

Q. You mean to say that they were good enough steps?

A. Good enough at the time they were put there, and never used to any amount until they were taken up.

Q. They were good enough to use elsewhere?

A. Yes, but not there — not required there, sir.

Q. And they were used elsewhere?

A. I couldn't say. After removing the steps to a safe place I was removed to another part of the Park Department.

Q. They were stored for future use, weren't they?

A. Yes, sir.

Q. Do you know whether some of them were used for Wood Island Park since?

A. No, sir, I can't say whether they were used there or not, because I don't know their business that they transact when I am away from them.

Q. All you know is that you took them up from where they were at Leverett Park, where they hadn't been used, and put them where they were stored for future use?

A. Yes, sir, at the order of Mr. Pettigrew.

Q. (By the CHAIRMAN.) Those twelve books that, you say, were charged to you at Marine Park — do you mean to say that those books were never used to draw any money from the city of Boston?

A. I can't say, sir. I say the books were drawn from the Pine Bank, given by George Timson to some boy for me, and the first thing the books were found to come from South Boston. Of course, when the coupon is delivered to the contractor, he presents it to the city for payment.

Q. Do you know whether any of those coupons were signed by anybody?

A. I couldn't say.

Q. You didn't sign them?
A. No, sir.
Q. And you don't know whether anybody else did?
A. I couldn't know, because I was at Franklin Park, and it was a long road to go to sign for a coupon.

Re-direct Examination.

Q. (By Mr. LUNDY.) Did you dump any curbing at the sheep field in Franklin Park?
A. No, sir. I loaded curbing there.
Q. Do you know what was done with that?
A. Transferred to the greenhouses, at the yard.
Q. And what was done with it there?
A. I couldn't say; I wasn't there. I shipped it at one point into the teams, and the teams carted it there, and I don't know what was done. I saw some of it in the yard, coming through mornings.
Q. You don't know whether that was broken up?
A. I don't.
Q. Did you have anything do with building walks at Peter's Hill?
A. No walks there, nothing to speak of.
Q. I am not referring to things that you consider nothing to speak of — what walks did you build at Peter's Hill?
A. Something like 250 feet.
Q. What were they built of?
A. Gravel and and rubble — what we call rubble, broken stone, coarse stone.

TESTIMONY OF BERNARD J. FALLON.

Q. (By Mr. LUNDY.) — Your full name, Mr. Fallon?
A. Bernard James Fallon, sir.
Q. And where do you live, Mr. Fallon?
A. 1259 Columbus avenue, Roxbury.
Q. Have you been employed in the Park Department?
A. Yes, sir.
Q. Are you employed there now?
A. No, sir.
Q. When did you quit work in the Park Department?
A. Four weeks ago — four to five.
Q. Four to five weeks ago — and what position did you occupy in the Park Department?
A. A laborer.
Q. Now, were you doing work for the Park Department in 1898?
A. Yes, sir.

Q. And what were you doing there?

A. Working in the ditch, with pick and shovel.

Q. Where, in the spring of 1898, were you using the pick and shovel?

A. Over in Franklin.

Q. Franklin Park?

A. Yes, sir.

Q. And what work was going on there?

A. Ditching, along a part of the road.

Q. Ditching?

A. Ditching, sir.

Q. Now, — speak up so that the Chairman can hear you, — what work was in progress at that time?

A. Making roads and promenades, sidewalks.

Q. Under whom did you work there?

A. Under all the sub-foremen. I have been almost everywhere in the Park Department. I have been in it so long that I have gone from one part to another.

Q. Now, did you ever see Mr. Pettigrew?

A. Yes, sir.

Q. Ever hear Mr. Pettigrew give any orders?

A. No need of him giving orders to me, sir — often see him standing to speak to the sub-foremen.

Q. How long have you worked at this line of work?

A. Since I was sixteen years old — gardener, florist and landscape gardener. I built seven houses along the North river in the city of Brooklyn.

Q. Brookline or Brooklyn?

A. Brooklyn.

Q. In the State of New York.

A. Yes, sir; Prospect park.

Q. Then I understand you to say that you know something about landscape gardening?

A. Yes, sir.

Q. And something about gardening?

A. I was seven years bound to it in my native country, and have followed it up in my adopted country the last 30 years.

Q. And you know something about road building — is that a fact?

A. Yes, sir. I have spent five years on the roads in Franklin park.

Q. What kind of road were you building there?

A. It was the Telford pattern, with the stones laying on their jack.

Q. Now, how much of a stretch of road did you build on the Telford principle?

A. Well, about as much as we would on the Adams.

Q. Now, do you recall whether or not any interference was shown by Mr. Pettigrew, Mr. Shea, or anybody in that department?

A. I heard about it.

Q. Never mind what you heard about it?

A. I didn't see it, sir — didn't work in that section at the time.

Q. Do you recall any work you were doing at that time that was changed to any extent, that appeared to you to be unnecessary?

A. Yes, sir. Last spring we planted a lot of —

Q. Never mind about last spring. I am talking now about this job where you were laying roads.

A. No, sir; nothing, to my knowledge.

Q. From that place where did you go?

A. From there over to the Arboretum, the Bussey.

Q. What did you do at the Arboretum?

A. Grading, planting, pruning and seeding?

Q. Under whose directions there?

A. Mr. Weidener's.

Q. Weidener's?

A. Yes, sir.

Q. You don't know whether or not that is the same Weidener who has been in South Boston?

A. Yes, sir; the same gentleman.

Q. The same Weidener — and his position there was the same, foreman of laborers?

A. Foreman.

Q. Of laborers?

A. Yes, sir.

Q. Did Mr. Weidener do anything in the way of gardening there?

A. Except the planting on the Lookout Hill.

Q. Did he have charge of planting on Lookout Hill?

A. Yes, sir. That is all we planted in the Arboretum — Lookout Hill.

Q. Well, did he direct you to do anything in the way of gardening?

A. No, sir; but used to ask my advice if he wanted to make a change, like any sub-foreman.

Q. Did he appear to take an interest in gardening?

A. Yes, sir, and appeared particularly interested in the planting.

Q. Any work going on besides gardening?

A. Not to my knowledge.

Q. Did you understand that Mr. Weidener was a gardener?

A. I knew he was not, sir, because he questioned me, asked me to give him the names of the plants.

Q. You mean to say that, from the questions he put to you, you knew he was not a gardener?

A. Yes, sir, and he didn't profess to be, to my knowledge.

Q. And you understood that at that place he was acting as a gardener?

A. Yes, sir; I presume so.

Q. Ever see Mr. Pettigrew there?

A. Not at that time.

Q. Ever see Mr. Shea there?

A. No, sir.

Q. Anybody in authority at that time, at that place?

A. Yes, sir; Mr. Putnam.

Q. And he was the engineer at that time?

A. Yes, sir.

Q. Did Mr. Putnam take any part in the plans for the work?

A. Yes, sir; he was very exact about planting and grading to the edges.

Q. Now, was there anything done there, Mr. Fallon, that was not done, according to your ideas, consistently with the proper ideas of gardening?

A. Yes, sir; several points to my knowledge.

Mr. MATTHEWS. — When was it that this witness is talking about?

Mr. LUNDY. — This was 1898.

Q. (By Mr. LUNDY.) About the summer of 1898, wasn't it?

A. Yes, sir.

Q. At the Arboretum — what you call Bussey's?

A. The Bussey Park.

Q. In the Arboretum. Now, go ahead and state to this committee what appeared to you to be irregular?

Mr. MATTHEWS. — Well, I object. Don't you think you ought to ask what he saw, not making it leading?

Mr. LUNDY. — I don't know why he is not qualified to give any opinion there, Mr. Matthews.

Mr. MATTHEWS. — Well, it is certainly leading, if it is not objectionable for any other reason.

Mr. LUNDY. — Well, I cannot lead him. I have just met him.

Mr. MATTHEWS. — I wouldn't try it, then, if I were you.

Mr. LUNDY. — He has stated that he is a practical gardener, and that, beyond that, he has served as an apprentice, and knows something about landscape gardening.

Mr. MATTHEWS. — That is all right.

Mr. LUNDY. — And, otherwise than that, he has handled a pick and knows something of road building.

Mr. MATTHEWS. — Why not ask him what he saw? Nobody will object to that.

Mr. LUNDY. — You don't object to his opinion of what he saw?

Mr. MATTHEWS. — You did not ask his opinion.

Mr. LUNDY. — Well, I am not going to ask his opinion of anything he didn't see.

Q. (By Mr. LUNDY.) Now, from what you actually saw there, Mr. Fallon, what was there irregular?

Mr. MATTHEWS. — I object to that.

Mr. LUNDY. — Why?

Mr. MATTHEWS. — Because you are asking him to answer a question founded on an opinion of yours.

Mr. LUNDY. — Pardon me — I have just met this man and don't know anything about what he will testify to.

Mr. MATTHEWS. — Ask him what he saw.

Mr. LUNDY. — Certainly.

Q. (By Mr. LUNDY.) As a landscape gardener, and on the same basis of Professor Sargent or anybody else, as a landscape gardener, what did you see about the gardening that was irregular?

A. I wasn't employed by Mr. Fischer at the time — therefore, I didn't belong to his gang.

Q. Did you do any gardening there?

A. Nothing more than planting and pruning, sir.

Q. Were you called upon to do any work there in the way of gardening and pruning that wasn't regular?

A. What I did in the way of planting and pruning was under Fischer, and scientific, to my knowledge.

Q. It was scientific?

A. Yes, sir. Mr. Fischer is very particular.

Q. Did you do any work there under anybody that was not scientific?

A. Yes, sir.

Q. Where?

A. At Leverett Park.

Q. Under whom?

A. His name is McNulty.

Q. Do you recall Mr. McNulty's first name?

A. I really forget — Edward, I believe.

Q. What was Edward McNulty's position?

A. He was a gardener.

Q. A gardener?

A. Yes, sir; employed as one.

Q. What was your particular line of work there? What were you doing?

A. We were digging out under Mr. O'Brien along the bridle path, all last summer, sir.

Q. I am not talking about last summer, but the summer of 1898.

A. Well, generally on the green — that was from Washington street, over towards the pond, the avenue way.

Q. Now, state something you did there that wasn't right for you to do, that was directed by anybody, or anything you did yourself that wasn't right?

A. Well, there was a few little items where we were putting in loam, where we could have used more.

Q. You could have used more loam?

A. Yes, sir.

Q. Why didn't you?

A. We didn't get it. It was up on the hill there, the Arborway.

Q. The loam wasn't there?

A. We didn't get enough of it, sir.

Q. Do you know whether there was enough loam in that neighborhood?

A. Yes, sir, there was on each side of where we were filling in. We were digging out this border to plant shrubbery along.

Q. I say, do you know whether or not there was loam in the neighborhood that wasn't being used?

A. There was not at that time along in the Arboretum. At Franklin Park we had our own materials, except sand.

Q. Except sand?

A. Yes, sir.

Q. Where did you go from this place?

A. From where, sir? From the Arborway?

Q. Yes, from where you had been working?

A. Shifted along on the Back Bay, and from there to Leverett Park.

Q. What did you do at the Back Bay?

A. Grading and digging along there, working around the maple trees along the driveway, and weeding.

Q. Who did you work under there?

A. Thomas McCarthy, sir.

Q. What were his duties?

A. Sub-foreman.

Q. Of digging?

A. Digging and grading, etc.

Q. Did he have anything to do with gardening?

A. No, sir.

Q. Were you working as a laborer at this time?

A. Yes, sir.

Q. What was done then that was not proper?

A. Pulling weeds as high as ourselves, that ought to have been attended to previously. I suppose the funds were short-handed, and that they couldn't get at them in time.

Q. Never mind what you supposed. Is there anything else you know about?

A. Well, not in particular. In regard to this loam, in Mr. Shea's and Mr. Pettigrew's time I had no charge of that loam.

Q. In their time you have had no charge of loam at all?

A. No, sir.

Q. In the last three years?

A. Not in their time.

Q. Well, when you had charge of loam, when was that?

A. It was during the last five or six years, when I was in Franklin Park and Franklin Field.

Q. Did you have charge of loam books then?

A. No, sir.

Q. Were there any loam books supplied you at that time?

A. No, sir.

Q. How did you keep tally?

A. Didn't require it. We have hundreds of thousands of cubic yards taken from under the road-beds.

Q. Any contractors supplying loam during that time?

A. Yes, sir, but I wasn't in charge of it.

Q. As a matter of fact, you never had charge of the delivery of any loam, did you?

A. Except on Franklin Park and Franklin Field.

Q. While you were there what system did you have for receiving loam?

A. Carts bringing it to where we had it piled.

Q. I understand, but you gave some receipts for the loam?

A. No, sir.

Q. Never gave receipts?

A. No, sir. The loam was all our own loam — all our material along there, all ours except the sand; had to go to Bussey for that.

Q. In the last three years have you had anything to do with the receiving of sand or filling?

A. No, sir; I didn't during the last three years. I kept steady at the pick and shovel in the ditch, after all my experience.

Q. Then practically all you have done in the last two or three years is to use the pick and shovel?

A. Yes, sir, except when I have been planting or helping to plant, working along in the spring and fall.

Q. And practically you know nothing about what has been done at Franklin Park except what you have said?

A. No, sir, nothing; have been away from those gangs entirely.

Cross-Examination.

Q. (By Mr. MATTHEWS.) This planting you did on the Arboretum, you remember was done under Mr. Weidener?

A. Yes, sir.

Q. Where was that?

A. On the Overlook. That was all the planting we did on the Arboretum.

Q. That was about four years ago?

A. I think about four acres planted on the knoll.

Q. How long ago was that done?

A. I think six or seven years ago.

Q. That is what I thought. That is all.

Mr. LUNDY. — I guess there is no question about that. That is all. I have a witness here who has not been summoned, and is somewhat reluctant about going on before he is summoned.

Mr. MATTHEWS. — I have a witness here who is anxious to get away and I would like to put him on.

Mr. LUNDY. — Certainly.

TESTIMONY OF DANIEL F. O'CONNELL.

Q. (By Mr. MATTHEWS.) What is your full name?

A. Daniel F. O'Connell.

Q. And what is your occupation?

A. Letter carrier.

Q. Employed by the United States government?

A. Yes, sir.

Q. In Boston?

A. The Roxbury station.

Q. What is your route?

A. Between Blue Hill avenue and Howard avenue, West Cottage and Quincy streets.

Q. Does your route include Dacia street?

A. Yes, sir.

Q. How long have you had that route?

A. Off and on for about twelve years.

Q. Is there any other carrier on that route?

A. No, sir, only when I am sick or on leave of absence.

Q. Were you delivering letters for the Post Office Department on that route a week ago yesterday — that is, on Monday, March 19, 1900?

A. Yes, sir.

Q. Were you delivering letters about nine o'clock on the morning of that day?

A. Nine — between nine and half-past nine.

Q. Do you know No. 20 Dacia street?

A. Yes, sir.

Q. Did you deliver any letters that morning at that house?

A. Well, there are two number 20's there. There is the front house, and there is No. 20 in the rear.

Q. Did you deliver any letters at either house that morning, as far as you remeber?

A. No, sir; I didn't.

Q. Have you any recollection of delivering a postal-card that morning to anybody at either of those houses?

A. No, sir.

Cross-Examination.

Q. (By Mr. LUNDY.) Now, Mr. O'Connell, you have been delivering letters in that neighborhood a great many years, haven't you?

A. Yes, sir; about a dozen years.

Q. Well, do you know a family by the name of Kelly there?

A. Yes, sir.

Q. And how long is it since you have delivered a letter there?

A. This morning.

Q. Delivered one this morning?

A. Yes, sir.

Q. Did you deliver one yesterday morning?

A. No, sir: I didn't.

Q. When was the last letter you delivered to the Kellys?

A. I told you, this morning.

Q. Well, before that, I mean?

A. Last night.

Q. Did you deliver one the day before yesterday?

A. No, sir; I didn't.

Q. Did you deliver one the day before that?

A. The day before yesterday would be Sunday.

Q. Of course you wouldn't deliver any then. Did you deliver one Saturday?

A. You are now coming down pretty fine.

Q. That is what I intend to do, Mr. O'Connell. Did you deliver one Saturday?

A. I refuse to answer, as I don't think it is anything concerning the investigation.

Q. Well, you haven't anything to do with the investigation, have you, as far as that matter is concerned?

A. Yes, sir, I have; because we are under orders in the Post Office Department not to tell who we deliver mail to. If you want an answer to that you will have to apply to the Postmaster.

Q. It didn't seem necessary for you to get permission from the Postmaster to say who delivered mail a week ago Monday?

A. Well, in that one particular case I received instructions as to that.

Q. You mean to say that you were instructed by the Postmaster not to say anything about what was delivered except a week ago Monday?

A. I didn't say that.

Q. I ask, then, did you deliver one last Saturday?

A. And I refuse to answer.

Q. Why?

A. Because our instructions are not to tell what is nobody's business.

Q. Have you your instructions here?

A. No, sir; I haven't.

Q. Do they come in written form?

A. In printed form.

Q. Where do you get your instructions?

A. From the Superintendent of the station.

Q. Did you get any particular instructions in this case?

A. The general instructions given to letter-carriers.

Q. Yes, sir; and you are acting under those general instructions, are you, when you come in here and testify to one day's delivery and not to another?

A. I didn't suppose I would have to testify to anything except that one day.

Q. But you say that a week ago Monday you are willing to testify that you didn't deliver anything to the Kellys?

A. I didn't deliver anything.

Q. And when I ask you about Saturday you refuse to answer?

A. You ask if I do?

Q. Yes?

A. I say that I did not deliver any letters on that particular day in question, and I don't see why I should state whether I did or not on other days.

Q. Why should you tell the gentlemen here that you did not deliver a letter there on that particular day?

A. Simply for the reason that I am under instructions, as an employee of the Post Office, and before I came this morning I explained that my testimony was wanted on that matter to our Chief Clerk.

Q. What is his name?

A. Fitzgerald.

Q. What is his first name?

A. Joseph, I believe — in the Roxbury branch of the Post Office.

Q. And who is the general superintendent, who issues the orders?

A. The postmaster issues the orders there.

Q. I mean, who is the Superintendent who issues the orders you have talked about?

A. What orders?

Q. About not giving information concerning mail?

A. I told you that we got printed instructions from the Superintendent.

Q. And you are acting at the present time under those printed instructions?

A. Always.

Q. When did you first see Mr. Matthews?

A. Just now.

Q. Did you ever see Mr. Collins? Do you know who he is?

A. What Collins?

Q. Anybody connected with Mr. Matthews' office?

A. No, sir; I never did.

Q. Who has interviewed you on the subject?

A. I got a summons this morning to appear and testify.

Q. You had no interview with anybody in regard to it?

A. Not personally. I asked Mr. Matthews over the telephone if I was to come down.

Q. That was when?

A. This morning.

Q. What did he tell you over the telephone?

A. To come down.

Q. And you and he discussed the case?

A. What do you mean by discussed?

Q. I mean on the question of this particular delivery?

A. No, sir.

Q. You had some talk?

A. I asked him why I should come down. He said to testify in the Park investigation case.

Q. Go ahead?

A. I asked him if it was necessary that I should come down and he said "yes."

Q. Did you ask Mr. Matthews why you should come down to testify?

A. Yes, sir.

Q. And what did he say to you?

A. Said I was to testify in the Park investigation case, as near as I can remember it.

Q. Did he tell you about a certain delivery on Dacia street?

A. I spoke to him about that.

Q. How did you come to speak about that to Mr. Matthews?

A. Because I had been spoken to before by an official of the Post Office, in regard to whether I delivered mail there at that time.

Q. Who was that official who spoke to you in regard to that?

A. I refuse to answer.

Mr. LUNDY — I ask a ruling on that, Mr. Chairman. — "Who was the official who questioned you about that particular instance?"

The CHAIRMAN. — I think that is a proper question.

The WITNESS. — We are not obliged to discuss post office questions, unless we get authority from someone higher than a letter carrier. You can easily telephone to the postmaster and see whether I will answer all questions that are asked me.

Mr. LUNDY. — Then I will take the witness from the stand and have the Postmaster come here.

Mr. MATTHEWS. — I think this can be explained. The general instructions issued by the Post Office Department to the employees are not to give any information concerning the department, unless they receive leave to do so. I understand that this witness has received leave from the superintendent — at least, I so understood him a moment ago — to testify concerning the deliveries or non-deliveries on the morning of March 19, 1900. That is all he was asked to do. He received permission from the Superintendent to state all he knew in regard to his work on that moruing. I haven't any doubt that, if Mr. Lundy wants his testimony concerning any other day, he will be given permission to give it by the Superintendent — any information concerning last Saturday or any other day.

Mr. LUNDY. — That is what I want to get.

Mr. MATTHEWS. — Then, if this witness persists in his present attitude, you understand that he is a salaried employee of the United States government and amenable under the law to that government. I suppose he has no personal objections to testifying, but feels that he should not violate the rules of the department. The simpliest way, if Mr. Lundy wants to test the witness' memory in regard to any day, is to communicate with the Superintendent. What is his name?

The WITNESS. — Frank K. Flusk.

Q. (By Mr. MATTHEWS.) He is the gentleman who gave you permission to testify?

A. He didn't exactly give me permission, but I got permission to testify as to the question between the veracity of the post office and of the witness who has testified here before as reported in the papers.

The CHAIRMAN. — That is why I consider that a proper question, in my opinion. I understood him to testify that he had not been talking to anybody about this case, and I afterwards understood him to say he had been. I think it was a very proper question.

Mr. MATTHEWS. — Mr. Chairman, I think the question is entirely proper, but I understood the witness to say that he talked the matter over with the Superintendent. Now I understand that his only objection is because of the existence of this rule, and, if the Superintendent will waive that, I understand that the witness has no objection to testifying further.

Q. (By the CHAIRMAN.) Would it be satisfactory to you if the clerk of the committee should telephone to the superintendent, and he should give you permission to answer the questions asked by counsel? Would you be satisfied with that instruction?

A. Yes, sir; I will then answer as far as possible.

The CHAIRMAN. — If the counsel will release him until the clerk can telephone to the superintendent or to the proper parties, that will settle it.

The WITNESS. — If he will get permission from the superintendent to have me answer any proper question I will do so.

The CHAIRMAN. — Is that satisfactory to both counsel?

Mr. LUNDY. — Not to me. If I were asking the witness to testify upon matters of post office business, I agree that this man should be protected by first consulting the superintendent; but the question I am asking him, or am about to ask him, does not affect post office matters, and I insist upon

a reply to my question. If it comes to a question of delivery on Saturday, Friday or Thursday, very well — let him consult the superintendent; but when I ask him to state something that clearly has nothing whatever to do with the working of the Post Office Department, that is another matter. If any official in the Post Office Department takes the trouble, of his own volition, or upon the suggestion of anybody connected with this investigation, to consult with a common letter-carrier upon some report of testimony that appears in the paper, then that conversation between that superintendent, whoever he may be, and this witness is purely a personal matter, not one at all concerning the business of the United States government, and one upon which I have a right to insist upon an answer from this witness. He has testified that it became a question of veracity between the post office authorities and a certain witness here. Now, all things in the line of questions of veracity between the post office and this man have got to be answered by this witness as a matter of law.

THE CHAIRMAN. — The Chair will say that he considers the question Counsel asks a very proper one. The Chair still maintains that position. I thought it might simplify the matter if both Counsel could agree that the Superintendent be called up by telephone, with the idea of getting his permission to have this witness answer any question that Counsel might consider it agreeable to put.

Mr. LUNDY. — I don't object to that particularly, and I will say right here that, of course, I don't expect this or any other man to imperil his position by discussing government business without authoritative permission. But he has testified that he discussed this matter with some official of the Post Office Department before he received this summons. Consequently, it is not an official matter but a personal matter. Now, I want to know with whom he discussed the question of veracity.

The WITNESS. — I will have to get permission to answer before I will do so.

Mr. LUNDY. — That is a question with which the permission would have nothing whatever to do.

The CHAIRMAN. — I said before, and I still think, that that is a proper question to ask. I cannot see why it involves anybody in the world.

The WITNESS. — Well, just in fairness, why not telephone to the superintendent to get permission? That is easy enough.

Q. (By Mr. LUNDY.) Was it the superintendent?

A. Get permission from the superintendent, and I will answer the questions.

Mr. LUNDY. — I don't care about that. I will go to the proper source.

Q. (By the CHAIRMAN.) You have answered questions about other days, having testified, as I understand, about other days besides Monday, and you have said that you were spoken to by somebody in regard to this matter. He now asks you, who? I thought it was a proper question, and I still think so.

A. It is very easy to telephone the superintendent.

Mr. LUNDY. — I will not take the trouble to ask permission of the superintendent for this man to testify upon that question. I will go the proper way to get the answer.

Q. (By the CHAIRMAN.) You still insist?

A. I say, let him consult the superintendent in regard to any questions he may ask. At the time when I was at the office this morning the superintendent wasn't there. So I went to the only representative of the superintendent there, the chief clerk, and told him that I had a summons to appear in the park investigation case, and he said: "If they ask you any questions relating to post office business that you don't think you should answer, don't testify."

Mr. LUNDY. — Now, I am not asking you anything in reference to post office business. I am asking you with whom you consulted, or who spoke to you, in regard to this matter, whether in the post office or outside?

The CHAIRMAN. — That seems a fair question.

The WITNESS. — Why can't you telephone out there?

The CHAIRMAN. — I think the question is a fair one, and should be answered.

Mr. LUNDY. — All I ask is a ruling, one way or the other, whether he should answer or not.

The CHAIRMAN. — I rule that he should answer the question.

Q. (By Mr. LUNDY.) With whom did you discuss the matter in the Post Office Department?

A. What is the penalty if I don't answer, Mr. Chairman?

Mr. LUNDY. — You will be informed of that later. It may be, Mr. Chairman, that this witness is absolutely conscientious in the contention he makes, that he depends on the authority of the post office officials for any testimony he may give; but it seems to me if I asked this man the question what he had for breakfast this morning he should answer that question without consulting the post office authorities. The question I have asked him is, in its substance, just as foreign to the Post Office Department as the one I have just suggested — with whom he discussed this matter?

The CHAIRMAN. — I see no use in wasting time on the matter. If the witness refuses to answer the question, counsel has the privilege of going to the courts and compelling him to answer.

Mr. MATTHEWS. — A telephone message can be sent, I suppose.

Mr. LUNDY. — Well, that I refuse to do.

The CHAIRMAN. — If the witness refuses to answer the question, counsel has a right to compel him to do it under process of law.

The WITNESS. — You can easily telephone out there and find out what you want.

Q. (By Mr. LUNDY.) Well, as a matter of fact, you suggest that we telephone to the man with whom you discussed the case before you got the summons, do you?

A. Well, you will have to telephone to the superintendent to find out whether I can answer any further.

Q. We cannot get that information from you otherwise?

A. He can give me permission to answer or not.

Q. He cannot authorize or forbid your answering personal questions?

A. I cannot use my own judgment in that matter.

Q. It is simply a question of whether you will answer or not. You don't choose to answer this question — is that it?

A. It has nothing to do with my wishes at all.

Q. (By the CHAIRMAN.) We understand that you refuse to answer the question.

A. Until I get permission from the proper authorities to answer any question he puts. I don't object to the question, but only want the proper authority to answer the question.

Q. You understand that the committee direct you to answer the question?

A. Yes, sir.

Q. And you refuse?

A. Yes, sir.

Q. (By Mr. MATTHEWS.) You don't refuse on your own account, at all?

A. No, sir. I told him that if I received permission from the superintendent to do so, I would answer any question he asked me.

Q. (By Mr. LUNDY.) Before I dismiss this witness — you have already answered that you delivered a letter there last night?

A. Yes, sir.

The CHAIRMAN. — The witness will please refrain from smoking.

The WITNESS. — All right.

Q. (By Mr. LUNDY.) Why do you refuse to go beyond last night?

A. Why do I refuse to go beyond last night?

Q. Yes — why do you refuse to go beyond last night?

A. Well, you seem to pin it down to a matter of memory there.

Q. That is exactly what I do, and that is exactly what my brother Matthews has done — pin it down to a matter of memory.

A. You ask me a simple little question like that and I thought my memory would go back as far as that.

Q. Yes — thought it would go back as far as yesterday?

A. Yes, sir.

Q. And the stand you take, as an employee of the United States Government, is that your memory will not go back beyond yesterday?

A. You want to pin me down to some definite question — you are not asking me about any particular letter, or even about any particular family.

Q. No, no particular family.

A. Or letter.

Q. I asked you if you had delivered to the Kellys yesterday, and you said you did.

A. I didn't understand about the Kellys — 20 Dacia street.

Q. Well, 20 Dacia street?

A. There are two families there.

Q. To whom did you deliver a letter there?

A. That I cannot answer now.

Q. That, I understand is perfectly proper, but you did deliver a letter there yesterday?

A. Yes, sir; at 20 Dacia street.

Q. You don't know whether you did on Saturday?

A. Well, I have about 900 families on my route, and —

Q. (By the CHAIRMAN.) Please answer the question, without saying what you have to do.

A. Well, I don't remember.

Q. (By Mr. LUNDY.) You don't remember about Saturday?

A. Don't remember about Saturday.

Q. And don't remember about Friday?

A. Don't remember about Friday; no, sir.

Q. Or Thursday?

A. No, sir.

Q. Or Wednesday?

A. No, sir.

Q. Or Tuesday?

A. Nor Tuesday.

Q. But you do you remember that on Monday you didn't deliver this postal?

A. Yes, sir.

Q. Positive of that?

A. Yes, sir.

Q. Positive. Now, let me ask this question. Why is your memory so defective for seven days and positive on one?

A. Because 36 hours after that card was delivered I was asked about.

Q. After it was delivered?

A. After it was delivered, as it was claimed.

Q. Thirty-six hours after that who asked you a question about it?

A. Thirty-six hours after that morning delivery I was asked if I had delivered a postal card there that morning?

Q. Who asked you that 36 hours after that card was supposed to be delivered?

A. You will have to get authority for me to answer that.

Q. Have to get authority for you to say who asked you the question?

A. Yes, sir.

Q. Well, it was somebody in the Post Office Department?

A. Yes.

Q. And you hadn't heard anything about Mr. Matthews at that time?

A. No, sir.

Q. Or the Park Commission?

A. I had read it in the papers.

Q. Now, as a matter of fact, had you suggested anything to anybody in regard to the delivery of a letter?

A. No, sir.

Q. Did you ever tell anybody that you didn't deliver such a letter or postal?

A. No, sir; not then.

Q. Not then, but you did later on?

A. When I was asked about it I did.

Mr. LUNDY. — Mr. Chairman, I would now like to have the proper official telephoned. He says that thirty-six hours after the reported delivery of the letter he was asked about it by somebody, and says he would like to have a telephone message sent to see if he can testify upon matters that have nothing to do with the government. I suppose he can get that authority as well as he can decline to testify.

The WITNESS. I shall ask that the message to the superintendent put the matter as it has been put to me.

The CHAIRMAN.— As I understand it you are satisfied to have the clerk here telephone to the superintendent of the division and ask permission of him to answer questions about matters not affecting your standing with the government.

Mr. LUNDY. — Mr. Chairman, if it pleases you — without desiring to make suggestions on a matter of this kind to the Chairman or any member of the committee — it strikes me that the Chairman is too lenient. It is not a question of whether this man accedes to or objects to that. It is a question whether this man, summoned before a body that has the legal right to question him, will refuse his consent to that body asking and demanding a proper answer to proper questions put to him. If you please, as occupying some position in this business, I object to this witness being consulted as to whether a certain question of precedure is agreeable to him. That is my attitude. I ask now that the superintendent, or any official he may name, be consulted as to whether this man can testify or not, and I state now that — I don't care whether I get his consent or not — this man is going to testify.

The CHAIRMAN. — I understand that the witness will be satisfied if the clerk telephones to the superintendent at the post office, and he says that the witness can testify here and answer any questions.

Q. (By Mr. LUNDY.) I will ask the witness if that is satisfactory?

A. If you will put the questions to the superintendent as you have to me.

Q. I will ask the witness what he means by that — if I have got to go over the whole testimony and repeat all the questions to the superintendent?

The CHAIRMAN. — You are here under summons, testifying under oath. Whether or not, if your department is satisfied that you shall testify here before this committee and answer questions, you are ready to do so? I think that ought to be satisfactory?

The WITNESS. — Well, let it go at that.

Q. (By Mr. LUNDY.) You are satisfied to let it go at that?

A. Yes, sir.

Q. Where do you live, Mr. O'Connell?

A. Roxbury.

Q. What part of Roxbury?

(By the CHAIRMAN.) Just a moment — you are at the Roxbury Post Office, are you?

A. The Roxbury Post Office.

Q. Warren street division?
A. Warren street.
Q. (By Mr. LUNDY.) What part of Roxbury do you live?
A. 42 Laurel street.
Q. Now, have you received a call from anybody in the employ of the Park Department?
A. No, sir.
Q. Have you talked with anybody who has anything to do with the Park Department?
A. Only the laborers.
Q. But you have talked with the laborers?
A. Yes, sir.
Q. Since a week ago Monday?
A. Yes, sir.
Q. Upon this question?
A. Upon what question?
Q. Upon the question of this letter or postal card?
A. Oh, there was Mr. Shields and there was Mr. Lambert.
Q. And who were they?
A. Well, they are employees of the Park Department.
Q. Now, did you have any talk with anybody else connected with the Park Department?
A. No, sir.
Q. Now, you read about this in the paper, didn't you?
A. Some of it.
Q. Then you had a talk with somebody about this letter ncident, didn't you?
A. When they spoke first we talked about it.
Q. But when you read it in the paper it struck you at once that you hadn't delivered any such postal, didn't it?
A. Yes, sir; just about that way.
Q. And then you discussed that matter with somebody you met, didn't you?
A. Well, yes.
Q. And you said to somebody that you never delivered any such letter?
A. Yes, sir.
Q. Now, do you recall what paper you read it in?
A. The Post.
Q. Now, do you recall the first man that you discussed that matter with?
A. No, sir; I don't.
Q. Well, you discussed it with quite a number of people?
A. No, sir.

Q. Well, it struck you, when you read it in the paper, that it was a falsehood — that is the thing that struck you?

A. Yes, sir.

Q. That you never delivered that letter?

A. That I had no recollection of it at all.

Q. But you would have to have something beyond the mere lack of recollection on that particular day to justify you in saying it was a falsehood, wouldn't you?

A. Well, no, I wouldn't. There were several incidents that kind of fitted in.

Q. What were the several incidents that kind of fitted in?

A. Well, this young Kelly met me at least three or four times a week, always asking me for mail.

Q. Oh, this young Kelly would ask you for mail?

A. He would ask me for mail.

Q. Did you ever deliver any mail to him?

A. His own mail I delivered to him.

Q. Well, you have delivered mail to Kelly — that is so, isn't it?

A. Sure.

Q. And how long ago is it since you delivered the last bit of mail to Kelly?

A. I delivered one about the middle of last week for his father — on Friday, I think.

Q. You have already testified that you delivered his own mail to him — not his father's or anybody's else?

A. You were asking about mail — didn't say himself or his family. He was at the house and received the mail.

Q. I based that only on the statement that you had delivered to him only his own mail. Now, when did you last deliver to Mr. William Kelly a letter for himself or for anybody?

A. Well, I just told you. Are you asking about his personal mail now or anybody's?

Q. Anybody's.

A. I told you that last Friday I delivered a letter to him for his father, as he was standing on the steps of his house there.

Q. Now, do you remember when you gave him the last letter or postal that was directed to him?

A. No, sir, I don't.

Q. Who lives at 36 Dacia street, do you know?

A. Nobody; no such number.

Q. Who lives at 18?

A. There are three families there. Rogers owns the house.

Q. Does Rogers live there?

A. Yes, sir.

Q. Do you remember when you delivered Rogers his last letter?

A. No, sir.

Q. But you are distinct about the Kellys?

A. Yes, sir.

Q. Now, don't you think it was entirely superfluous for us to telephone the superintendent of the Roxbury Division?

A. Those are questions —

Q. That relate to the delivery of mail, don't they?

A. Well, they do in a certain way.

Q. And they have something to do with the discharge of your duties as a postoffice official?

A. Yes, they do.

Q. And you are answering the questions rather freely, aren't you?

A. No, I don't think I am usurping. You are asking whether I delivered mail to them. Our instructions are, not to tell whether anybody gets mail, and where they get it from.

Q. And, contrary to your instructions, you just stated that you had delivered a letter to the Kellys on Friday?

A. To the Kelly family.

Mr. LUNDY. — Mr. Chairman, I will ask a recess for five minutes.

Mr. MATTHEWS. — At this point, Mr. Chairman, can I put in this letter (handing letter to Mr. Lundy and the Chairman)? I understand that the Chairman of the committee directed the Clerk of Committees to send a telegram to the New York Commercial Company, a concern that Mr. William J. Kelly testified the other day had employed him in 1898 and 1899, and this is the reply (reading the letter referred to. See Exhibit 12, at close of day's hearing).

Mr. LUNDY. — What are you offering that for, brother Matthews? I don't object particularly, if it has any bearing.

Mr. MATTHEWS. — The Chairman thought it had some bearing, because he asked the witness William J. Kelly for the name of the concern that employed him in New York at the time this telegram of October 29, 1898, was received and shown to him by Mr. Eichorn.

Mr. LUNDY. — All right, go ahead.

Mr. MATTHEWS. — I suppose the Chairman desired, and very properly, to test the veracity of Mr. William J. Kelly.

Mr. LUNDY. — I remember it.

Mr. MATTHEWS. — He seems to have demonstrated his veracity.

Mr. LUNDY. — All right.

The CHAIRMAN. — The Chair will now declare a recess for five minutes.

(The recess was taken at 3.33 P.M., and the committee reassembled at 3.42 P.M.)

The CHAIRMAN. — The committee will please come to order.

MR. LUNDY. — Mr. O'Connell. (No response.)

The CHAIRMAN. — Is counsel ready?

Mr. LUNDY. — I am, if Mr. O'Connell is.

The CHAIRMAN. — Will the counsel go ahead and take his next witness, or wait until the last witness appears?

Mr. LUNDY. — I should like to ask, as a question of personal information, Mr. Chairman, if you know when he is coming along?

The CHAIRMAN. — I don't know anything about it

Mr. LUNDY. — I would ask, then, if the Clerk of Committees has telephoned to the officials of the post office.

The CHAIRMAN. — He has informed me that he has — whether or not it would be right to announce the result until the witness is present is another question. If both counsel are agreed, I am perfectly satisfied.

Mr. MATTHEWS. — I have no objection to the Chairman saying what it is.

Mr. LUNDY. — What is the answer?

The CHAIRMAN. — The Clerk himself will deliver the answer, as he got it.

(Witness entered the room at this point.)

Mr. DEVER. — Mr. Chairman, the superintendent of the Roxbury Post Office informed me over the telephone that the letter carrier could recite the evidence as relating to what occurred in his presence, and before Mr. Matthews' assistant, and might answer all questions.

Q. (By Mr. LUNDY.) That satisfies you, Mr. O'Connell?

A. Yes, sir.

Q. Then, you have seen the assistant to Mr. Matthews?

A. Assistant to Mr. Matthews? How do you mean?

Q. Somebody representing Mr. Matthews?

A. Not as I know of.

Q. Whether or not you held a conversation with your superintendent or chief out there, at which a third party was present?

A. There was somebody in the office — I don't know who.

Q. Now, could you identify the man who was in the office?

A. No, sir; I couldn't.

Q. Was there more than one man in the office?

A. The superintendent and another gentlemen.

Q. Another gentleman?

A. Yes.

Q. Can you remember how many other gentlemen?

A. The superintendent and another gentleman — both gentlemen were there in the office.

Q. If the witness will please face the Chair and answer the questions distinctly, so that we can understand them as well as the counsel, we would prefer it.

The WITNESS. — All right, sir.

Q. (By Mr. LUNDY.) You have heard the clerk of committees state that the superintendent, or whatever his office may be, has stated over the telephone that you might testify to any conversation between yourself, him and the representative of Mr. Matthews? You have heard that, haven't you?

A. Yes, sir.

Q. Now, do you recall any conversation which you had at which there was a representative of Mr. Matthews present?

A. I don't know whether it was a representative or not. I talked to my superintendent about that card.

Q. When did you first have your talk with your superintendent about that card?

A. Wednesday.

Q. And that is the time which has been described as being within thirty-six hours after the time of the supposed delivery?

A. Yes, sir; I put it at thirty-six hours.

Q. About that time?

A. Yes, sir.

Q. Did the superintendent call you to his office?

A. Yes, sir.

Q. Was there another person present?

A. Yes, sir.

Q. That person was not Mr. Matthews?

A. No, sir; I shouldn't say it was.

Q. Was it Mr. Collins?

A. I couldn't say. Mr. Collins — if that is the gentleman's name — had his hat and coat off, and this gentleman there had his hat and coat on. I couldn't say whether it was him or not.

Q. Well, you wouldn't say it was not he?

A. No, sir; couldn't say either way.

Q. But you understood at that time that it was a representative from Mr. Matthews' office?

A. No, sir; I didn't.

Q. Well, you understood it was one of the attorneys of the Park Commission?

A. No, sir; I didn't.

Q. What did the superintendent say to you when he brought you in there?

A. Called me in the office and asked if I remembered delivering a postal card to Kelly on Monday.

Q. Yes, and you said you didn't?

A. I said to the best of my knowledge and belief I didn't — didn't remember delivering any mail matter at all to him.

Q. Did the Superintendent at the time ask whether you had delivered any other letter in that neighborhood?

A. No, sir.

Q. Now, were any questions put to you by this other gentleman present?

A. No, sir; he didn't speak once.

Q. Not at all?

A. No, sir.

Q. Who was the gentleman who asked you this question — your superintendent?

A. My superintendent.

Q. What is his name?

A. Mr. Flusk — F-l-u-s-k.

Q. Now, did Mr. Flusk tell you why he asked you this question?

A. No, sir.

Q. Well you knew at the time why he asked you?

A. No, sir; I didn't know.

Q. Well, haven't you already testified that you read in the paper all about that postal card — in the Boston Post?

A. Yes, sir.

Q. Then you didn't know why he asked you?

A. He asked me whether I delivered mail to him. Whether it had any connection with my reading the paper or not, I don't know. Whether he wanted to satisfy his own curiosity as to whether Kelly was telling the truth, or whether such a thing happened, I didn't question him.

Q. Do you remember the people you delivered letters to on Tuesday of last week — the day after you were supposed to deliver the postal card on that street?

A. No, sir.

Q. You don't remember that?

A. No, sir; except in a general way. Perhaps I could tell twenty people that I had delivered to.

Q. On Wednesday — can you say about that day distinctly?

A. I don't care to say definitely on Tuesday. I remember that I delivered mail to about twenty people on that street.

Q. That is Tuesday?

A. Yes, sir.

Q. And you are absolutely positive that you didn't deliver a postal card to Kelly?

A. To the best of my knowledge and belief I didn't deliver one on the day that Mr. Flusk asked about.

Q. Didn't deliver a thing?

A. Not a thing that morning.

Q. Do you know Kelly's father?

A. Yes, sir.

Q. Know the family pretty well, don't you?

A. Well, yes.

Q. And, on the average, they receive mail as often as anybody on the street?

A. Yes, sir.

Q. On the average?

A. Yes, sir.

Q. The only thing you are distinct about upon this particular day is that you didn't deliver anything for Kelly — for himself or anybody else — is that so?

A. To the best of my knowledge and belief, I didn't deliver anything to him that morning.

Q. Wasn't something said to you by Mr. Flusk at that time about testifying here?

A. No, sir.

Q. Wasn't something said about the Park investigation?

A. No, sir.

Q. No reference made to that at all?

A. No, sir.

Q. Anything said about Kelly as a witness?

A. No, sir, — asked me if I knew this Kelly, on Dacia Street. I said "Yes." Then asked whether I delivered a postal card to him. "Oh," I said, "it is that Kelly of the Park Department, is it?"

Q. Then you did know about it?

A. I mentioned that to him. He didn't speak about it.

Q. Any other Kellys on the street?

A. There is a laborer, I believe, at 13 Dacia Street.

Q. You have delivered letters to him, haven't you?

A. No, sir; not for a long time.

Q. Then the only conversation you had with Mr. Matthews or any of his representatives was that day — when you didn't have any, by the way — but the only time you have seen Mr. Matthews or any representative of the Park Commissioners was that time?

A. I didn't know that it was a representative.
Q. You knew there was a third party present.
A. There was a third party present.

Re-Direct Examination.

Q. (By Mr. MATTHEWS.) One question. In this conversation between you and the superintendent, Mr. Flusk, did the other gentleman present take any part in it?
A. No, sir; didn't speak once, that I remember.
Q. Did Mr. Flusk introduce you to him or him to you?
A. No, sir.
Q. Did you hear his name mentioned in the interview?
A. No. sir.

Re-cross Examination.

Q. (By Mr. LUNDY.) What did you understand to be the idea of calling you to the office that day — simply curiosity on the superintendent's part?
A. That is all.

TESTIMONY OF GEORGE F. CLARKE — *Recalled.*

Q. (By Mr. LUNDY.) Do you recall any real estate transfer at any time during last year in which the city took certain property from one Caroline E. Clarke?
A. Caroline E. Clarke? There was a re-location at Longwood avenue.
Q. Whether or not there was some property taken there?
A. Yes.
Q. And there was a payment of some $5,000 made, was there not?
A. $5,000, yes.
Q. And do you recall, Mr. Clarke, that you didn't produce the record of that the other night when I asked you to look over the records?
A. I recall it now — yes.
Q. That you did not?
A. Yes.
Q. And you recall that I asked you to go over every transaction from 1898?
A. You asked me for the takings that had been made since 1898 — yes.
Q. Now, do you know who Caroline E. Clarke is?
A. Yes.
Q. Who is she?
A. She is my mother.

Q. I beg pardon?

A. She is my mother.

Q. Now, did you take any part in that transfer at all?

A. No, sir.

Q. Do you remember who brought up the subject of that transfer of real estate?

A. Yes.

Q. Who was that?

A. My father addressed the Board.

Q. Now, whether or not your father addressed the Board upon any suggestion from you?

A. I beg pardon. This was with reference to the settlement, not with reference to the taking. He didn't address the Board with reference to the taking.

Q. I understand that this was taken some time before?

A. The taking occurred from the taking of the street. It wasn't a park taking, but it was a re-location of Longwood avenue, which resulted in throwing into the street some portion of the estate.

Q. I understand, but there was some $5,000 involved?

A. $5,000 paid, damages.

Q. And that was not mentioned by you at all the other night. Don't misunderstand me — I didn't ask you for settlements. I want to place you right before the committee — but that wasn't mentioned?

A. It wasn't mentioned as a park taking. It wasn't on my list of park takings that I had in my hand.

Q. But you had a record of it there at the time?

A. It was in the record book, yes.

Mr. LUNDY. — That is all for the present, Mr. Chairman.

Cross-examination.

Q. (By Mr. MATTHEWS.) Mr. Clarke, just one question, concerning the matter Mr. Lundy has just asked you about. Where was the settlement of this claim of your father's made?

A. It was made in the Law Department.

Q. Did the Park Commissioners have anything to do with it?

A. The Law Department submit the claims for settlement to the Park Commissioners for their approval.

Q. The actual negotiations were carried on between your father and the Law Department?

A. The settlement was made between my father and the Law Department.

Q. Not between your father and the Park Commission?

A. No.

Re-direct Examination.

Q. (By Mr. LUNDY.) When was the original taking, Mr. Clarke?

A. I think it was in June or July of 1897. I should have to look at the records.

Q. Now, do you remember the circumstances of the taking at that time?

A. We don't call it a taking. It is a relocation of Longwood avenue.

Q. Well, it is a taking of certain land by your department for whatever purpose, isn't it?

A. Yes, but it isn't a park taking, or park land. It is thrown into a street.

Q. Thrown into the street — I understand, but do you remember at that time who advocated the taking or relocating, whatever you may describe it as?

A. Oh, the relocation of the street was made necessary by the rebuilding of the new bridge.

Q. Then it was simply an assessment of damages for him?

A. Yes.

Q. Do you remember how many feet were taken there?

A. 1,518 feet.

Q. You don't recall at this time what the assessed valuation was, do you?

A. I think it was a dollar a foot.

Q. Well, do you recall how much in excess of the assessed valuation the final price was?

A. $3,500.

Mr. LUNDY. — That is all.

The CHAIRMAN. — Do you intend to call Mr. Clarke again later?

Mr. LUNDY. — Well, at some time later, yes — not to-day. There are one or two things that I may want him on, probably to-morrow.

The CHAIRMAN. — That is all, Mr. Clarke, for the present. The next witness.

Q. (By Mr. LUNDY.) Just one more question, Mr. Clarke. Whether or not it is your usual custom when claims upon that department are referred to the law department, to make any suggestions to the law department?

A. No, sir.

Q. None at all?

A. None at all, no, sir,

Q. Well, you furnished the Law Department with facts concerning the transfers, of course?

A. No.

Q. You mean to say that the Law Department proceeds to go ahead to settle something without any data or information from your department?

A. Well, you asked me if I did.

Q. I meant your department — pardon me.

A. The department did refer the Clarke claim to the Law Department. That was done by the Board.

Q. Do you remember whether your department furnished any recommendation to the Law Department?

A. There was no recommendation.

Q. Well, did they furnish what might be called a restriction to the Law Department, saying that it might pay so much or so little upon that particular claim?

A. No, did not.

Q. Well, isn't it the usual custom to suggest some figure which strikes the Commission as being the proper figure to be paid?

A. No.

Q. Then you mean to say that any of the claims referred by your department to the Law Department depend entirely for settlement on the ideas of the members of the Law Department, as far as figures go?

A. They settle the matter entirely, without conference with our Board. Sometimes they have conferences.

Q. (By the CHAIRMAN.) Your department makes the award, doesn't it?

A. In case of settlement in court, the Park Commissioners authorize the Law Department to consent to judgment for a sum, for which the Law Department requests authority.

Q. But your department stipulates the sum, where it doesn't go to court?

A. The Law Department notifies the Park Commissioners that it has settled the case subject to the approval of the Park Commissioners.

The CHAIRMAN. — That is all. The next witness.

TESTIMONY OF JAMES O. HIGGINS.

Q. (By Mr. LUNDY.) Your name?

A. James Oliver Higgins.

Q. Where do you live?

A. 93 Callendar street, Dorchester.

Q. And whether or not you are connected with some improvement association in Dorchester?

A. I am Secretary of the Lauriat Improvement Association.

Q. And how long have you held that office?

A. This year.

Q. Now, during your service as Secretary of the Lauriat Improvement Association, have you come in contact with any of the officials of the Park Department?

A. Yes, I have, too, but not in my official capacity.

Q. Well, as a citizen have you?

A. Yes, I have.

Q. Well, now, do you know anything about Franklin Park?

A. I do; yes, sir.

Q. Have you ever approached the Board of Park Commissioners upon the subject of Franklin Park?

A. Well, I have about one part of Franklin Park — namely, that part known as Franklin Field.

Q. And for what purpose did you approach them?

A. At that time — well I didn't approach them. I had communication with the Park Commissioners in relation to a petition to do away with the sheep nuisance on Franklin Field.

Q. And what is the sheep nuisance?

A. The sheep nuisance consists of a large barn, formerly occupied by a man by the name of Young, and I believe they have, somewhere approximately, about 350 sheep up there — and they are taken care of by a shepherd — I don't know his name; but in the summer time those sheep are allowed to stay in a large barnyard, in close proximity to the houses, and I believe that you can easily throw a stone from the nearest houses over the barnyard.

Q. Well, you know that is so, do you?

A. I know that is so; yes, sir.

Q. Well, don't use that expression "believe," when you actually know something about it. Now, did you make any complaint, or speak to any of the Commissioners upon this complaint?

A. I didn't speak with any of the Commissioners. I only communicated with them by this petition. My petition was signed by somewhere around 100 people, I should say, property-owners.

Q. Well, was there any hearing granted on that petition?

A. There was no hearing. It was referred to Superintendent Pettigrew of the Park Department.

Q. Did you ever hear anything from that petition?

A. I did.

Q. And what was that?

A. I telephoned from Mr. Elder's office several times, and I was informed that they didn't know exactly —

Mr. MATTHEWS. — Whose office did he telephone from?

Q. (By Mr. LUNDY.) You telephoned from Mr. Elder's office, I think you said?

A. Yes, sir.

Q. By the way, where are you employed?

A. I attend the Boston University Law School. This is my third year.

Q. Who is the Mr. Elder you refer to?

A. At that time I was studying with Mr. Samuel J. Elder.

Q. And you say you telephoned from Mr. Elder's office?

A. From Mr. Elder's office, several times.

Q. Where?

A. To the Park Commissioner's office at Pine Bank, and they informed me, or somebody informed me over the telephone, that nothing had yet been done with the petition, and then finally I sent a letter, and about a month after I sent the letter I got a communication from the Park Commissioners, saying that they had referred it to Superintendent Pettigrew, and Mr. Pettigrew reported to them that the sheep didn't make any more noise than an ordinary cartwheel.

Q. Than one ordinary cartwheel?

A. Than an ordinary cartwheel.

Mr. MATTHEWS. — As the witness is stating the contents of a letter, it would seem that he ought to furnish the letter.

Mr. LUNDY. — I didn't catch that.

Q. (By Mr. LUNDY.) You say that came in a letter?

A. It came in a letter, I think, and I have looked for it and couldn't find it, although I have shown it to several people.

Mr. MATTHEWS. — We can probably furnish a letter-press copy.

Mr. LUNDY. — All right, if you will do that, brother Matthews.

Q. (By Mr. LUNDY.) Now, did you ever come in personal contact with Mr. Clarke, at all?

A. I couldn't say whether I did or not.

Q. Well, do you know who Mr. Clarke is?

A. I don't; no, sir.

Q. Did you understand that Mr. Clarke was secretary of the Commission?

A. I believe I got that information from the newspapers.

Q. But you don't know that yourself?

A. I don't know it.

Q. Did you ever meet Mr. Pettigrew?

A. Yes, sir.

Q. When?

A. I met Mr. Pettigrew on Franklin Field once last summer, I believe.

Q. And whether or not you know Mr. Pettigrew very well?

A. Well, I am not personally acquainted with the man.

Q. Well, you would know him if you saw him?

A. Yes, would know him.

Q. You could describe him?

A. Yes, could describe him.

Q. And you saw him in Franklin Field when?

A. I believe I saw him last fall in Franklin Field.

Q. And you had some conversation with him?

A. I did; yes, sir.

Q. About what?

A. I had a conversation in relation to the fences which he erected on the lands of the abutters on Franklin Field.

Q. Now, just what do you mean by that, Mr. Higgins — the fences?

A. Well, it seems that Mr. Pettigrew or the Park Commissioners took it into their heads to erect a fence around Franklin Field — that is, a fence between the park land and the land of the abutters; and it seems that they got the fences in in some places two or three feet on the land of the abutters, and then they came around to take the fences down, and when they came around to take the fence down, it was at that time that I spoke to Mr. Pettigrew.

Q. Now, just what do you mean to say — that the Park Commissioners erected a fence on other people's land?

A. Well, I don't know whether it was by order of the Park Commissioners, but park men, working for the Park Department, erected a fence on the land belonging to other people; yes.

Q. Well, upon the land of how many other people that you can say — one or more?

A. Well, I can say that they erected the fence on five lots, to my own knowledge.

Q. And do you say that they subsequently took that fence down?

A. They did; yes, sir.

Q. Now, what was your idea in complaining to Mr. Pettigrew on that subject?

A. Well, when the men first came in to erect that fence they tramped down the people's gardens, and, for my own part —

Q. What particular person, Mr. Higgins?

A. Well, I can speak for my own sister. She owns land there and they tramped down our garden — that is, my sister's garden.

Q. And where is that located?

A. That is located here — runs from Callender street out to Franklin Field.

Q. Well, now to come down to this conversation with Mr. Pettigrew, what did you say to him?

A. I told Mr. Pettigrew that his men couldn't come in on the land to take down the fence.

Q. And what did Mr. Pettigrew say to you?

A. Mr. Pettigrew said at that time, "To hell with the fence — let them have it."

Q. "To hell with the fence — let who have it?"

A. Let the folks who own the land have it.

Q. Have the fence?

A. Yes.

Q. Now, do you know anything about the system of boat-letting in the Park system?

A. Yes, I do. I am acquainted with the manner in which they let boats at Jamaica Pond.

Q. And is Jamaica pond under the jurisdiction of the of the Boston Board of Park Commissioners?

A. Well, I always thought so.

Q. Well, who has charge of the boats there?

A. I believe they let the boats out, or they let the business out to some man there who lets the boats.

Q. You don't know that man's name?

A. I don't; no, sir.

Q. Now, what are the rates charged for a boat there?

A. Well, I paid at one time, I believe two years ago, sixty cents for an hour's pleasure on a boat, although I don't believe that sixty cents is the rate per hour, I believe the the rate per hour is forty cents, although I had to pay sixty cents for an hour's boating. The man said at the time that I was five or ten minutes over the hour, and I paid sixty cents.

Q. Well, you were paying then, as you understood it, at the rate of forty cents per hour for boating there?

A. Yes.

Q. Now, do you know anything about the boating privileges on any of the other ponds adjacent to that?

A. I know about the manner in which they let boats at the Metropolitan Park — Houghton's pond.

Q. Houghton's pond — where is that?

A. Well, I couldn't exactly say.

Q. Well, what part of Boston is it in?

A. It isn't in Boston.

Q. Well, how close to Boston?

A. Probably five or six miles from Jamaica pond.

Q. Well, that is under the jurisdiction of the Metropolitan Park Commissioners, is it?

A. Yes, sir.

Q. And what do you pay there for boats?

A. Ten cents an hour.

Q. Do you know whether or not that is directly under the control of the Metropolitan Park Commission?

A. It is under the control of the Metropolitan Park Commission.

Q. Now, do you recall any other petition that you sent, either as Secretary of the Lauriat Improvement Association, or as a citizen, in regard to anything in the Parks?

A. I don't know as I ever made any complaints, or anything of the kind, concerning the management of the parks, or anything about the parks, outside of the sheep nuisance.

Q. Have you made any comment or complaint to the Commissioners or anybody in authority?

A. No, I don't think I have.

Q. Do you know anything about the discussion over the bicycle lamps?

A. I do; yes, sir.

Q. And what was that agitation?

A. Well, I believe that —

Q. Say what you know?

A. I know that the Park Commissioners passed a rule that bicycle lanterns should be used in the park system, and I know that it was very unpopular.

Q. Well, do you know that any hearing was requested on that subject of the Park Commissioners?

A. Not to my knowledge.

Q. Well, do you know that any was requested of them?

A. I don't know.

Q. Do you know that any was ever given?

A. I don't know.

Cross-examination.

Q. (By Mr. MATTHEWS.) Mr. Higgins, you say the fence was put by mistake on the land of the abutters, in some cases?

A. Yes, sir.

Q. Do you know that the Street Department furnished the line to the Park Commissioners for placing that fence?

A. I don't know anything about it.

Q. You have been testifying here without knowing anything about it, haven't you?

A. Well, I know that the lines were wrong. As a matter of fact, I measured our own land, and I know that the fence was put on my sister's land.

Q. But you didn't inquire from whom the Park Commissioners got the line?

A. I had a plan of the street, of Callender street, from the office of the Street Department, and from that plan I measured the land out to the park, and in that manner I knew that that fence was put on our land.

Q. Did you inquire from whom the Commissioners got their line?

A. I did not.

Q. And nobody told you they procured their lines from the Surveyor's Office at City Hall?

A. I don't know anything about that.

Q. You were not informed of that fact?

A. I don't know.

Q. Who was present at this conversation between Mr. Pettigrew and you about the fence?

A. There was some other gentleman there. I don't know his name.

Q. Connected with the Park Department?

A. I presume so.

Q. Was it Mr. Shea?

A. I don't know. I don't believe it was.

Q. This is Mr. Shea, sitting next to me?

A. No, sir; I don't know whether that is the gentleman or not.

Q. You are not sure?

A. I couldn't say; no, sir. I don't believe he is though.

The CHAIRMAN. — Does any member of the committee desire to ask any question? (No response.) That is all. The next witness.

TESTIMONY OF CHARLES E. STRATTON. — *Recalled.*

Q. (By Mr. LUNDY.) Do you recall, Mr. Stratton, the order issued by your department to have the employees wear a uniform?

A. Yes.

Q. Well, how far did that order extend — that is, I mean, how many employees were supposed to wear it?

A. Well, I should say not more than 100, but that would be only a guess.

Q. Well, you picked out particular employees who were to wear the uniform?

A. We picked out those who worked on the parkways and lawns — really the maintenance force.

Q. Those who would be apt to be conspicuous to the public?

A. Yes.

Q. Well, when was that order issued?

A. Well, I should say the early summer of 1898 — in the summer of 1898, I should say, but the records would show.

Q. Well, as a matter of fact, did 100, or more or less, of your employees wear those uniforms?

A. Excuse me — the summer or autumn of 1898. Those who drove the watering carts were, in the first place, furnished uniforms.

Q. Well, on request or on order?

A. On our order.

A. And, to repeat my question, whether or not you know that 100, or a trifle more or a trifle less, of the city employees of your department did wear those uniforms?

A. Yes.

Q. They did?

A. Yes.

Q. And those uniforms were supplied by the department?

A. Yes.

Q. And were purchased from Leopold Morse & Co.?

A. I should say not, but still I would not be sure.

Q. Well, do you recall any remark or any suggestion made in your order that the uniforms were to be purchased at Leopold Morse's?

A. Whether our order designated where there were to be bought or not, I don't know, but the instructions of the superintendent undoubtedly were to buy them at a particular place.

Q. Well, was it an act of the superintendent or an act of the Commission — designating the place where these uniforms were to be procured?

A. It was the Commission that decided where they should be bought.

Q. The Commission did decide where they should be bought?

A. Yes.

Q. Now, do you recall what was paid for those uniforms, per uniform?

A. I should only have to guess.

Q. Well, if you will guess?

A. I should guess somewhere between three and four dollars.

Q. Now, did the Commission advertise bids for the supplying of uniforms?

A. I think not. Shall I go on and tell what I think they did do?

Q. Sure.

A. We got bids from several of the Boston houses, and the uniforms were brought to the Park Department and we looked them over.

Q. Well, how did these different houses know that you were going to put the men in uniform?

A. We sent to them to ask what they would furnish us and what prices they would ask.

Q. Then, I suppose, as you recall it, Leopold Morse bid the lowest?

A. Well, if they got the contract that year they probably bid the lowest. Our instructions were to get the least conspicuous and most serviceable garments for the money, and I presume the lowest bidder got it.

Q. Then you would say at this time that the lowest bidder got it?

A. That would be my recollection, but there may have been something in the material or cut or appearance of the uniform, it is possible, so that the lowest man did not get it, but I should be surprised if the lowest man didn't get it.

Q. I presume you don't recall at this time with whom you dealt in the matter of those uniforms — the name of the firm?

A. My recollection is that Shuman furnished the first.

Q. The first uniforms?

A. Yes; but, of course, Mr. Pettigrew could tell you, and possibly our records would show it.

Q. Now, some witness has testified here, Mr. Stratton, that under a general order issued by the department it was stipulated that the men should go to Leopold Morse & Company's. That is the reason why I have asked you particularly about it. Do you know anything about any such order?

A. I do not. The men, of course, had to go to the place we directed them to go to, but my recollection is that Shuman furnished the first ones we had.

Q. Now, do you recall anything about this bicycle lantern ordinance passed by your Board?

A. Yes.

Q. Do you recall on whose suggestion the Board passed such an ordinance?

A. Had a petition, numerously signed by Boston people and people using the parks, and we had a hearing; had a hearing at Pine Bank.

Q. Before the ordinance went into effect?

A. Yes, before we took any vote upon it.

Q. Do you recall a petition sent to you by representative wheelmen, or by citizens generally, requesting a hearing upon that matter?

A. Before this hearing or after — it is quite likely.

Q. Well, this is new to me, Mr. Stratton — this hearing you have mentioned.

A. Shall I go on and tell the story, as I remember it?

Q. Certainly.

A. We had this petition brought to us, as I remember the first petition brought, asking us to compel the wheelmen to carry lights, and I rather think this got noised abroad, and it is quite likely that we had a petition also from the wheelmen protesting against it. At all events, we told everybody who came to us that nothing should be done until a hearing was had, and a hearing was had at Pine Bank, which was quite numerously attended, and we had quite a large amount of oral and written testimony as to the use of lamps in other large cities, and also in opposition, principally oral, from the wheelmen, who thought it was objectionable to them and did not aid them and did not prevent accidents. After considerable discussion we passed an order obliging them to carry lighted lanterns on their wheels, from an hour after sunset, I think, until an hour before sunrise. But it was suspended during the meet of wheelmen here, because we thought that they didn't have sufficient notice, those coming from a distance, that possibly they were not prepared to use lights, and it was suspended during the convention held here last summer.

Q. Subsequently to the hearing you actually held, did you not receive a petition for another hearing, on the part of the wheelmen?

A. Yes, we did, I am quite sure.

Q. Do you recall whether you gave a hearing on that petition?

A. We did not. Shall I say why we did not?

Q. Certainly.

A. We wrote that it was so near the end of the bicycling season that we thought our order had not had a sufficient trial, had not been in force a sufficient length of time to give it a fair trial, and that if, at the close of the bicycle season or before the beginning of the next season, they should still

be of the opinion that our action was unwise, we should give them another hearing. And I would also say that that has been brought to our attention, and as soon as my colleagues get well we shall have another hearing.

Q. I would ask, Mr. Stratton, if at the time you passed this ordinance it had been called to your attention that the matter had been ventilated pretty fully in the legislature?

A. The preceding legislature, before we passed the order?

Q. Yes, the two legislatures preceding?

A. It was mentioned that the legislature had refused, I think, to pass an order compelling lights on bicycles.

Q. Now, do you recall that, at the hearing you did actually hold, any representative wheelmen or any representative of wheelmen was there?

A. There was quite a large attendance of wheelmen. There were some officers of local assemblies — I forget their names, lodges or local associations.

Mr. LUNDY. — That is all, Mr. Chairman.

The CHAIRMAN. — Does the counsel intend to call Mr. Stratton again?

Mr. LUNDY. — Yes, once more, Mr. Chairman. Is Mr. Donovan here? (No response.) I will ask the Clerk if Mr. Donovan has been summoned to-day.

The CLERK. — No, sir; no record of any summons here for to-day.

Mr. LUNDY. — He is actually under summons, is he not?

The CLERK. — He was summoned earlier in the hearing, yes.

Mr. LUNDY. — Kept him here for three or four days. He ought to be here now.

The CLERK. — Michael J. Donovan, 28 School street?

Mr. LUNDY. — Yes.

The CLERK. — He has been under summons since the 16th of March.

Mr. LUNDY. — Now, Mr. Chairman, I will ask for another very brief recess to get Mr. Donovan. He has been under summons and has received his fees, hasn't he?

The CLERK. — Yes.

The CHAIRMAN. — Is he here in the neighborhood?

Mr. LUNDY. — Yes, ought to be at 28 School street. (To Mr. Stratton.) Mr. Pratt is still sick, is he?

Mr. STRATTON. — Yes. He told me he hoped to get in town Saturday, and wrote yesterday that he expected to be in his office to-day, but he has not appeared as yet. I hope, when we get a good, warm, sunny day, that he will be here. Mr. Prendergast is not very well, and Mr. Pettigrew is still in bed.

Mr. MATTHEWS. — Mr. Chairman, I will suggest that, if Mr. Lundy is at a loss for material, Mr. Stratton is still here.

Mr. LUNDY. — I also wish to introduce Mr. Shea, and a number of others, but I don't care to use the testimony at this particular moment.

The CHAIRMAN. — When will Mr. Pettigrew be here?

Mr. STRATTON. — I don't know. I saw him Sunday. He was in bed, and it was thought that he was doing well. His son and daughter thought he had turned the corner, and I think he has. Mr. Shea saw him to-day, and said he thought he was better, although he had a bad headache. He has had a touch of pneumonia, and I suppose it will be nearly a week before he will be out. Isn't that so, Mr. Shea?

Mr. SHEA. — I should think so, yes.

Mr. LUNDY. — By the way, while waiting, I will ask Mr. Stratton one question.

TESTIMONY OF CHARLES E. STRATTON. — *Recalled.*

Q. (By Mr. LUNDY.) You have heard some questions asked, Mr. Stratton, about the settlement of claims by the Law Department and your department?

A. Yes.

Q. Now, whether or not you know that it is a city ordinance that the Law Department of itself cannot of itself settle any claims?

A. I was not aware of that ordinance, but I know that all settlements by the Law Department come back to us for our approval.

Q. And you also know, do you not, that there must be some suggestion from your department before the Law Department makes any settlement?

A. Well, of course, we give to the Law Department, as I presume your clients give to you, all material they have.

Q. Do in some cases?

A. At least, they should.

Q. Yes, should?

A. We give them all the material, and it may or may not happen that they consult with us frequently, although as a rule my recollection is that they don't bother us until they come to some agreement.

Q. But their award or decision does come back to your Commission for approval?

A. Yes, always.

Q. Then this particular case we have reference to, the settlement with Caroline Clarke, came back to you for approval?

A. Yes.

Q. And was approved by your Board?

A. Yes.

Q. (By Alderman CODMAN.) Mr. Stratton, have you got the petitions, etc., connected with the bicycle lamp hearing?

A. I presume they are on the files.

Mr. CLARKE. — I have them.

The WITNESS. — Mr. Clarke says he has them here.

Mr. CLARKE. — The original petitions for the ordinance — yes, sir.

Q. (By Alderman CODMAN.) And is it a fact that the City Government passed a request that you do not make that an ordinance?

A. I think they asked us to give a rehearing. That is my recollection.

Q. And expressed an opinion upon the matter, did they not? It is my idea that they expressed an opinion upon it very strong?

A. It is my recollection that they asked us to give a rehearing. It may be that they expressed an opinion. Our opinion was, that this ordinance, which has been adopted in almost all the large cities, ought to have a fair trial. That was our opinion, and therefore we haven't done anything about it except to tell gentlemen that if they still wanted a hearing, after the season was over, we should give it. I find that there is a great difference of opinion, even among wheelmen, upon the subject.

Q. (By the CHAIRMAN.) Do you desire to ask Mr. Stratton any more questions, Mr. Alderman?

Alderman CODMAN. — I think not, sir. I would like to find whether the City Government passed such an order or not. I think it did. Of course, that can be looked up. I don't know that it would have any particular weight.

Q. (By Mr. LUNDY.) In 1898, wasn't that, Mr. Stratton?

A. The hearing on the bicycle matter?

Q. Yes.

A. No, last year; I should say it was passed last summer.

Q. 1899?

A. Yes.

Q. (By Alderman CODMAN.) I will ask Mr. Stratton if he knows who presented the case for the petitioners?

A. The attorney who appeared was Josiah Dean, for the lantern ordinance.

Q. That was the original petition?

A. Yes, for the ordinance. It was presented by Josiah Dean.

TESTIMONY OF JAMES B. SHEA.

Q. (By Mr. LUNDY.) What is your full name, Mr. Shea?

A. James B. Shea.

Q. And you live where?

A. Perkins street, Jamaica Plain.

Q. That is in the City of Boston?

A. Yes, sir.

Q. Now, you are in the employ of the Park Department?

A. I am, sir.

Q. And your position is what?

A. General foreman.

Q. How long have you occupied that position?

A. About three years.

Q. What position did you occupy prior to that time?

A. Clerk.

Q. In the Park Department?

A. In the Park Department.

Q. How long has your service in the Park Department covered altogether?

A. About nine years.

Q. Did you live in the city at the time you went to work for the Park Department?

A. Yes, sir.

Q. And you have all the time since lived here?

A. Oh, I have been away temporarily.

Q. I mean your permanent residence has been here?

A. Permanent residence in the city.

Q. Do you own any property in Boston?

A. No, sir.

Q. Do you own some in Brookline?

A. No, sir.

Q. Any of your relatives own any in Brookline?

A. Well, yes; I suppose I consider Mrs. Shea a relative. She own some property there.

Q. Don't you, as a matter of fact, spend the greater part of the year in Brookline?

A. Quite a good part of the year.

Q. Actually living there?

A. Temporarily.

Q. Now, do you occupy a whole house in Jamaica Plain?
A. I do not.
Q. Board there or keep house?
A. I board there with my mother.
Q. Haven't you for a large part of three years kept house in Brookline?
A. I have.
Q. For how many months in the year?
A. Well, pretty nearly twelve months in the year.
Q. In Brookline?
A. In Brookline.
Q. Now, Mr. Shea, actually speaking, you are a resident of Brookline — I don't mean legally, but practically you are a resident of Brookline?
A. Yes, sir.
Q. And you have been ever since your marriage?
A. Yes, sir.
Q. And that was how long ago?
A. About five years ago.
(Mr. Shea's testimony was temporarily suspended at this point.)

TESTIMONY OF MICHAEL J. DONOVAN.

Q. (By Mr. LUNDY.) Your full name, Mr. Donovan.
A. Michael J. Donovan.
Q. And you live where?
A. Columbus avenue, 351.
Q. What is your business?
A. Builder.
Q. Have you ever done any building for the Park Department?
A. I have.
Q. When?
A. I think it was in 1892 or 1893.
Q. What did you build at that time?
A. A shelter in Charlestown, Bunker Hill Park.
Q. And did that contract amount to anything?
A. $25,000.
Q. $25,000?
A. Yes, sir.
Q. Now, have you since that time submitted any bids for building in the Park Department?
A. I have.
Q. And in what year?
A. In 1898, I believe.
Q. Now, can you state — I haven't the papers here — what the job was that you did at that time?

A. It was a stable in Franklin Park.

Q. And do you recall the amount of the contract — the amount of money involved?

A. I think it was something less than $5,000.

Q. And whether or not at that time you did submit a bid?

A. You have it there, Mr. Lundy, I think.

Q. I am asking you now. You did submit a bid?

A. I did; yes, sir.

Q. And have you any means of knowing how many other builders or contractors submitted bids at that time?

A. I think twelve or fifteen.

Q. Have you any means of knowing, or did you know, that yours was the lowest bid?

A. Mine was the lowest that complied with the terms of the proposal. There were two bids under me that were rejected. One had not a certified check, and the other did not include the plumbing.

Q. You know that positively?

A. I know that; I was present when they were opened.

Q. You know positively that yours was the lowest bid?

A. The lowest proper bid.

Q. And with your bid you enclosed a certified check?

A. Yes, sir.

Q. And how much was that for?

A. $300, I believe.

Q. Now, were you at that time willing to furnish a bond?

A. Yes, sir.

Q. And you were a member of the firm, were you not?

A. I was.

Q. What was the name of the firm?

A. It was D. J. Donovan's Sons then. I was the only member of the firm. My brother had gone out West — to the western part of the State.

Q. What was the result of that bid? Was the contract awarded to you?

A. No; I was asked by the Commission — then the Commission only comprised Mr. Pratt and Mr. Stratton, I believe, — I was asked to wait until after the other bidders had gone that afternoon.

Q. You were asked to wait until after the other bidders had gone?

A. Yes; and they asked me as to what work I had done and what my capabilities were as regards building. I told them — told them I had done this job previously for the Park Department, amounting to five times the amount of the

job in question; and then I was requested, I think by Mr. Pratt — I am not certain, — to step outside for a while, and he came out finally and told me that if I would get some references and bring them to Mr. Stratton the following day, everything would be all right. I brought them in the next day.

Q. What did you bring in the way of references the next day?

A. Oh, from architects and people I had built for.

Q. Recall any of them at this time?

A. Well, Mr. Tobey, I think, was one, Architect Tobey. Then I took a representative of the United States Government, for whom I did work — that was the Custodian of the Post Office. I might say here that I have done considerable work, also, for private parties, and I referred to a man named Samuel Soule, of Burlington, Town Clerk there?

Q. And what was this proposition of Mr. Stratton's, the next day? What did he tell you then?

A. He was busy then, and asked me to call the next day at half-past ten.

Q. Did you call the next day?

A. I did.

Q. What did he tell you then?

A. He told me that the man under me on the first bid — I think his name was Dodge, a mason — who did not include the plumbing, had objected to the bid being awarded to me and had asked for a hearing, and I told Mr. Stratton at the time that if he were to give Mr. Dodge a hearing I should ask for a hearing, for myself, or desire to be present at the hearing, to protect my interests. He told me that I need have no fear, that the job wouldn't be taken away from me without being given a proper hearing.

Q. Now, was the job taken away from you?

A. Well, I went back to my office and wrote a letter to Mr. Stratton, in which I told him that, inasmuch as I was the lowest bidder under the terms of the proposals that were submitted on the day they closed, and I had fulfilled all the terms, — that if, inasmuch as I had included everything called for in the specifications, and also furnished a certified check — I asked to be awarded the contract, and I had my bonds, would furnish satisfactory bonds to him, and I wished to take advantage of the market at that time, as the prices of material were rising; and by the return mail I got the check back.

Q. Got what check back?

A. My certified check, with a notice that the bids were going to be readvertised.

Q. Now, did you submit a bid on the next bidding?

A. No.

Q. Did you submit any communication to the Park Commissioners on the next bidding?

A. I did.

Q. Submit the same bid?

A. The re-advertised bid eliminated the plumbing, and the plumbing on this job, I may say, consisted only of some rough piping, a matter I could have had done for $100.

Q. Then the additions to the bid would amount to about $100?

A. The deduction.

Q. The deduction from the bid?

A. Yes.

Q. Certainly not more than $200? Well, do you know to whom the contract was awarded eventually?

A. I don't know, but I telegraphed to the Park Department the day the bids were opened the second time, and I asked for some of the bids, and I found that the lowest man — the highest the first time — had dropped $1,975, and the amount eliminated was only $100; that another man had dropped $500. The other man, Dodge, whom I believe did did not include plumbing the first time, also dropped. In fact, the second bid was nothing more than an option.

Q. As a fact, then, the man who eventually got the bid at that time dropped $1,975?

A. If they gave it to the man who was the lowest bidder; I didn't inquire. I wrote another letter to Mr. Stratton. I told him the facts — that one man had dropped $1,975, another $500, for no apparent reason, the amount of difference being a small one, and I told him I still had my bonds ready, and asked to be awarded the contract, inasmuch as I was entitled to it, and Mr. Stratton didn't answer the letter.

Q. Did you employ counsel in this matter?

A. I did.

Q. Who was that?

A. Mr. Slattery — Charles H. Slattery.

Q. Where is his office?

A. 28 State street.

Q. Do you know whether he brought suit?

A. He did not.

Q. Did he have any discussion with the Park Commission?

A. We saw Mayor Quincy.

Q. What was the upshot of that interview with Mayor Quincy?

A. Well, I understand from Mr. Slattery that that clause by which the Board reserves the right to reject any and all bids does away with any legal right a man might have ; but we tried to impress on Mr. Quincy's mind that I had a very strong moral right to that contract, and Mayor Quincy thought so also and said that if we would write a sort of digest of the whole affair, in as concise a form as possible, and send it to him, so that he could have it to refer to, he would send to Mr. Stratton and find out about the matter; and we got a letter back from Mr. Quincy saying, "Enclosed please find answer from the Park Commission." If I remember — I haven't the letter, probably Mr. Slattery has it — the nature of it was that I had been given as much hearing as anybody, and, inasmuch as Mr. Quincy had asked some time previous that all plumbing should be let as a separate contract, asking the heads of the different departments to take action of that kind, they thought they would have to readvertise.

Q. Well, did you figure on certain specifications?

A. I did.

Q. And whether or not you had certain correspondence with the Park Commissioners or their representative?

A. I have just testified to writing some letters.

Q. Well, Mr. Donovan, the only reason you understood for the rejecting of those bids was that the plumbing matter was to be included?

A. No, the reason I understood why they readvertised and I was rejected was because the plumbing should be a separate contract.

Q. That is a copy of the letter submitted by you to the Park Commissioners (handing letter to witness)?

A. (Examining letter.) Yes. That is the letter I wrote on the day I first saw Mr. Stratton in his office. That is a copy of it, rather.

Mr. LUNDY. — I will put that in, Mr. Chairman.

Mr. MATTHEWS. — What is that?

Mr. LUNDY. — That is the letter he refers to, you know, in which he says the prices of material are going up.

Mr. MATTHEWS. — From whom to whom?

Mr. LUNDY. — From Mr. Donovan to the Park Commissioners.

(The letter referred to will be found, as Exhibit 13, at the close of day's hearing.)

Q. (By Mr. LUNDY.) And is that the letter (handing another letter to witness) sent to you by the Park Commissioners in response to that letter?

A. (Examining letter.) Yes.

Mr. LUNDY. — I will also put this in as an exhibit. (See Exhibit 14, at close of day's hearing.)

Q. (By Mr. LUNDY.) (Handing another letter to witness.) Now, is that the letter, or copy of the letter, submitted by you to the Board of Park Commissioners, upon the subject of the second bidding?

A. (Examining letter.) Yes.

(See Exhibit 15, at close of day's hearing.)

Q. (Handing another paper to witness.) Is that a copy of the proposal for the building?

A. (Examining.) That is the one in connection with the second bid. I didn't bid the second time.

Mr. LUNDY. — There is the proposal on the second bid.

(See Exhibit 16, at close of day's hearing.)

Q. (By Mr. LUNDY.) Now, whether or not you had certain correspondence with Mr. Putnam, at the time assistant engineer of the Park Department?

A. I had no correspondence with him. I think I received some communication from him. I don't remember just what it was.

Q. That was before or after the bid you submitted?

A. I am not sure.

Q. Whether or not you received that letter (handing letter to witness)?

A. (Examining letter.) I am not sure.

Q. Whether or not you received that letter? (Referring to another letter.)

A. Yes, I believe I did.

(See Exhibit 17 at the close of the day's hearing.)

Q. And that one (referring to another)?

A. Yes, I remember that.

(See Exhibit 18 at the close of day's hearing.)

Q. Now, are these that I hand you instructions for the building of that particular structure?

A. You mean which ones?

Q. These that I hand you here now? (Handing paper to witness.)

A. The first or the second one?

Q. Well, for the matter you bid on?

A. Well, these, together with the plans.

Q. Together with the plans?

A. Yes.

Mr. LUNDY. — Well, I offer this, Mr. Chairman.

(See Exhibit 19 at close of day's hearing.)

Q. (By the CHAIRMAN.) Mr. Donovan, was that bid where you say one of the parties dropped $1,975 after your first bid?

A. Yes.

Q. He had lowered, then, your bid?

A. Yes, I think some four hundred or five hundred dollars.

Q. The bid you first submitted?

A. Yes, but everybody had to bid again.

Cross-Examination.

Q. (By Mr. MATTHEWS.) You say, Mr. Donovan, that the reason the Park Commissioners rejected your bid the first time was that they had by mistake included plumbing in their specifications?

A. Yes, but I think if I had been personally known to Mr. Stratton or Mr. Pratt at the time they opened the bids, they would not have questioned it whatever.

Q. What?

A. If I had personally been acquainted with the Commissioners, I think, on the day of the opening of the bids, I think there would have been no question that I would have been awarded the contract then.

Q. That is a matter of opinion on your part, isn't it?

A. Certainly.

Q. As a matter of fact, the reason assigned by the Park Department was that they had made a mistake in drawing the specifications?

A. That is, I believe, the substance of the letter they wrote to Mayor Quincy, of which I was sent a copy.

Q. And that mistake was including the plumbing in the specifications for building?

A. That was the mistake, inasmuch as, they say, Mayor Quincy had notified all the heads of departments to make plumbing a separate contract.

Q. Do you remember any circular order issued by the Mayor in regard to not including plumbing in building jobs?

A. Do I remember it?

Q. Yes.

A. I do not.

Q. Never saw any such order?

A. Not personally, I didn't. I knew there was an order.

Q. You knew there was some such order?

A. I did.

Q. And you understood that the Park Commissioners having unintentionally violated that order and included plumbing in their specifications, in this instance felt obliged to reject the bids?

A. They didn't include all the plumbing.

Q. Well, some plumbing?

A. Yes.

Q. And you understood that the reason for the rejection by the Park Commissioners of the bid, as stated to you at least, was that they had made a mistake and violated the Mayor's order?

A. Yes.

Mr. MATTHEWS. — If there is no objection, Mr. Lundy, I would like to put that circular order in at this time.

Mr. LUNDY. — Certainly.

Mr. MATTHEWS. — It is circular 19, dated May 4, 1897, and I now offer it as an exhibit.

(See Exhibit 20, at close of day's hearing.)

TESTIMONY OF JAMES B. SHEA. — *Continued.*

Q. (By Mr. LUNDY.) What are your particular duties, Mr. Shea?

A. I have charge of all the work in the Park Department, under the jurisdiction of Mr. Pettigrew.

Q. Well, then, your position is just what the title implies — general foreman?

A. Yes, sir.

Q. Now, how much ground do you cover during the course of a day?

A. Well, I want to say, in qualifying that, that Mr. Pettigrew, as a general rule, looks after work at the Fens and in the smaller parks, to which it is impossible for me to go during the day — such as Marine Park, the parks at Charlestown, and one or two others. Although many orders are given by me over the telephone, it is impossible for me to get around to those places every day, or sometimes for quite a long time.

Q. Well, what are your particular duties? Do you exercise supervision over the different foremen?

A. Yes, sir.

Q. Now, what parts of the city do you attend to most frequently?

A. Most frequently, Franklin Park and the parks in Jamaica Plain, West Roxbury, Brighton and Dorchester.

(The hearing was suspended at this point for a few minutes, and then continued.)

Q. Mr. Shea, you have testified — to come back for a moment to the matter of residence — that, for the greater part of the year you keep house in Brookline?

A. Yes, sir.

Q. But you vote in Boston?

A. I do.

Q. And, of course, live in Boston about the first of May?

A. Yes, sir.

Q. That is, with your mother. Now, to come back to your duties of supervision, — you look after the foremen, you said?

A. Yes, sir.

Q. How much do you have to do with the foremen — say, for instance, in Franklin Park? Just what do you direct them to do?

A. Direct them in relation to their work, lay out the work for them, tell them what is to be done, what is expected of them, give them their men, furnish them with teams and tools, see that everything is taken care of.

Q. Now, in assigning the workmen to these different foremen, where do you get workmen?

A. They are on our park rolls — get them from the civil service.

Q. But they are regularly on the rolls, and you assign them to the different foremen?

A. Yes.

Q. Now, is there any favoritism shown at all in the picking of men for the different positions?

A. What do you mean by favoritism?

Q. I mean, are there any locations that are perhaps more desirable for a man to work in than others?

A. There are locations more desirable for men to work in than others.

Q. Well, can you recall any cases in which you have shown any desire, or have actually sent men to places more desirable than others, because they have solicited you to do it?

A. Not because they have solicited me to do it.

Q. Well, have you actually sent them to those desirable places?

A. I have at times.

Q. Well, do you recall the particular men you have sent out in that way?

A. Not just now.

Q. Well, do you recall, Mr. Shea, the reason why they were singled out for those positions?

A. I can. If a foreman at South Boston, or at any other park — I mean by mentioning South Boston, to give a point in the city —

Q. Yes, I understand.

A. — wants an increase in his labor force, I assign to him some men who live in the section, if it is possible to find them; if not, men who live near to there. That saves them car-fare.

Q. Now, do you recall any other consideration that enters into it?

A. None that I can think of offhand.

Q. Now, at the present time, of the men who are left on the active list in the Park Department — I mean, since the suspension — what sections have been favored particularly?

A. I don't think that any have been favored particularly.

Q. Well, wouldn't you say that most of the men at present on the list of park employees come from JamaicaPlain?

A. No, sir; I would not say so.

Q. Well, isn't it a fact that a large majority of them do?

A. It is not.

Q. How many men have you there now — I mean the laborers, you know, Mr. Shea?

A. In the department?

Q. Yes, at present at work?

A. About 130.

Q. Can you tell what proportion of them come from Jamaica Plain?

A. I think over thirty of them — I am saying this offhand.

Q. Yes, I understand.

A. Between 30 and 40, I should say.

Q. Come from Jamaica Plain?

A. Yes, sir.

Q. Can you recall how many come from South Boston?

A. I should say there were about ten.

Q. And East Boston?

A. Not a great many, for the reason that we have very few laborers from East Boston.

Q. Very few anyway, to start with? Now, how many foremen have you left in the Park Department?

A. If you will give me time to figure — I think there are six foremen — maybe seven.

Q. How many foremen have you suspended?

A. Suspended three.

Q. Then, at the time when the suspension came you had only nine foremen?

A. Yes; I may have made a mistake in the number of foremen.

Q. Well, approximately, that is all I ask you. Now, how many men were working at the time the suspension took place?

A. If I remember right, about 350.

Q. These different foremen are assigned to what districts now?

A. The foremen that are at work at present?

Q. Yes.

A. There is a foreman at South Boston, one at Charlesbank Gymnasium, one at Back Bay Fens, and there are four in and about Franklin Park and the neighboring parks.

Q. How many men do you, Mr. Shea, have in all about Franklin Park, as foreman?

A. That depends much on the amount of work which is going on there.

Q. Well, you haven't got a great deal of work going on there now, have you?

A. Well, got a good deal — enough to keep about two-thirds of our entire force there.

Q. You keep about two-thirds of your entire force at Franklin Park?

A. Just now.

Q. Two-thirds of the 130 men?

A. Just now.

Q. What does the foreman do at Pine Bank?

A. Care of two buildings and care of the grounds there now.

Q. Well, aren't there people there for that purpose, besides the foreman?

A. No; only laborers and people under him.

Q. Now who are the people assigned for that work — care of the grounds and houses there?

A. One assistant janitor, I believe he is called.

Q. An assistant janitor?

A. Yes.

Q. Then, all the work for the foreman at Pine Bank is looking after the care of the buildings and grounds?

A. Yes, sir.

Q. That is all, now?

A. Yes, sir.

Q. You have a foreman at Marine Park?

A. I have.

Q. What does he do?

A. Has care of the buildings there and grounds, and in addition to that he has a little construction work going on there, putting in a pipe drain there, from the small ponds into the sea.

Q. What is his name?

A. Foreman Weidener.

Q. He is the man who has been there continuously, is he?

A. Yes, sir.

Q. How many men has foreman Weidener under him now?

A. I think he has about five, may be six — five or six.

Q. How many men has the foreman at the Charlesbank under him?

A. About the same number — that is, in addition to the assistant janitor, he has about five laborers.

Q. Well, he wouldn't properly come under the foreman, would he — the assistant janitor?

A. No — yes, he does. Everybody there comes under the foreman, with the exception of the athletic instructor, in the season.

Q. Where did you say other foremen are employed at the present time?

A. At Back Bay Fens.

Q. How many men has that foreman at Back Bay Fens under him?

A. I think that he has about fifteen — from fifteen to twenty laborers. He has a barn boss, a night watchman and two gardeners — may be a couple of boys.

Q. Well, those men you have to have there anyway. They have nothing to do with the laboring set at all? The barn boss, the gardener and the boys are not really laborers?

A. They are under charge of the foreman.

Q. Doing construction work at the Back Bay Fens?

A. Very little construction work, other than giving the grounds a cleaning for spring, and care of the roads.

Q. Who is foreman there, Mr. Shea?

A. Foreman Martin.

Q. I neglected to ask you who the foreman was at Charlesbank?

A. Foreman Murphy, — and, pardon me, I didn't give you the foreman at East Boston. We have one there.

Q. And who is he?

A. Foreman Tuttle.

Q. Now, how many men has Mr. Tuttle got under him?

A. I think he has six or seven laborers.

Q. And you have four foremen at the park, and you say about two-thirds of the force?

A. About two-thirds.

Q. About two-thirds of the force working there?

A. Yes, sir.

Q. Now, at what other place have you foremen?

A. None other.

Q. At the present time you have considerable more bosses than you have men?

A. In what way, sir?

Q. Well, you have one foreman to five men in one place.

A. We would have to have a foreman there if we didn't have any men.

Q. Well, I can appreciate that, from the present system, but do you consider that it is necessary to have him, whether you have men enough or not?

A. I think so.

Q. Who are the foremen at the present time?

A. The foremen that are employed?

Q. Yes, sir.

A. Well, other than the names which I gave you?

Q. I mean in Franklin Park?

A. Foreman Watson —

Q. That is, Hugh Watson?

A. Yes, sir; and Foreman Edgeworth, and Kelly, and Mr. O'Brien, who testified to-day.

Q. What is Kelly's first name?

A. John.

Q. All these men have been in the department for some time, have they not?

A. Yes, sir.

Q. Do you do any part of the hiring, or recommending for hire, of any of these men?

A. Not of those foremen.

Q. Of those seven men?

A. None of those.

Q. Now, how did you discriminate in the retaining of foremen when the suspension came — or did you have anything to do with that?

A. Well, I did in a way; yes.

Q. Well, of course, you had to discriminate to a certain extent?

A. Yes, sir.

Q. By the way, to make it easy, who were the foremen suspended?

A. Foreman MacCallum, foreman Coulter, and foreman Jeffery.

Q. Now, Mr. Jeffery has been in the department some time, hasn't he?

A. Yes, sir.

Q. Pretty efficient man, isn't he?

A. I wouldn't say so.

Q. How long had he been there to your knowledge?

A. To my knowledge he had been there nine years. Previous to that —

Q. I meant to your own knowledge.

A. Nine years; he had been there quite a long time before that.

Q. You say you wouldn't consider him a particularly competent man?

A. No, sir.

Q. That is, you wouldn't compare him for general efficiency with Mr. Edgeworth?

A. No, sir.

Q. And you are pretty familiar with Mr. Edgeworth?

A. Yes, sir.

Q. That is, I mean, with his work?

A. Yes, sir.

Q. And you are pretty familiar with Mr. Martin?

A. Not so much so.

Q. I mean with his work.

A. Not so much as Mr. Edgeworth.

Q. And how about Mr. Murphy?

A. Not so familiar with him, either.

Q. You know about Mr. Weidener?

A. I am not so familiar with his work.

Q. Then, you would say that Mr. Jeffery didn't rank with any of these men, would you?

A. Not in the work which they were doing at that time.

Q. I know, but for general work in the department?

A. I won't say that he was not as good as some of them.

Q. Well, do you recall whether, at the time that the suspensions took place, you considered that matter at all?

A. Yes, sir.

Q. Then it must have been your reason that the other men were at least as good, if not better, than Mr. Jeffrey was?

A. Well, these men were kept — the men you mention were kept for particular reasons.

Q. Now, will you assign one of those particular reasons for keeping Mr. Edgeworth, for instance?

A. He is one of the most efficient foremen in the department.

Q. Did you ever see him measure a load of loam?

A. I have; yes.

Q. And he does it to your satisfaction?

A. I don't consider —

Q. Well, that is a simple question. Perhaps that doesn't come into a foreman's duties, but just answer that question?

A. Yes, sir.

Q. He does measure to your satisfaction?

A. Yes, sir.

Q. And there is some mathematical ability necessary in discharging the duty of foreman, is there not?

A. Some little; yes, sir.

Q. And you have had some opportunity of watching Mr. Edgeworth as he worked along those lines — measuring, etc., — have you?

A. In a way; yes.

Q. And at all times he has satisfied you that he was up to the mark in that respect?

A. Yes, sir.

Q. And Mr. Martin, I presume, does the same?

A. Yes, sir.

Q. Who was Mr. Coulter?

A. Sub-foreman.

Q. Where is he now? Do you know?

A. Working in the department.

Q. He is now working?

A. Yes, sir.

Q. I understood you to say that he is under suspension?

A. He is not acting as foreman.

Q. What is he doing now?

A. He was taken from the department as a laborer, and he is now —

Q. Once more a laborer?

A. Yes, sir; doing laboring work.

Q. How long was he foreman?

A. For about two years, if I remember — yes, about two years.

Q. What does he get?

A. $3.25 a day — that is, as sub-foreman,

Q. What does a laborer get?

A. $2.00 a day.

Q. And Mr. Coulter consented to remain for $2.00 a day?

A. He is getting $2.25 a day now.

Q. In what capacity does he get $2.25 a day?

A. He is doing work, cleaning up about the parks, and some other work, and is really doing laboring work.

Q. I understand; but what do you call the position of a laborer who draws twenty-five cents more per day than other laborers?

A. We call them skilled laborers, or class them together with their special occupation.

Q. As a matter of fact, you simply class them as favored laborers, don't you?

A. Yes, sir.

Q. How many skilled laborers have you in the department earning $2.25 a day?

A. Well, we have one — we have very few classed as such. We have taken at various times laborers who have worked in special lines and increased their wages. We had a laborer who worked for years with the foreman of carpenters, and after a great many years' experience he was just as good to us as a regular carpenter, and we paid him twenty-five cents a day more; and in a few other lines we have increased wages of men in that same way.

Q. Do you know whether or not there was any offer made to Mr. Coulter or Mr. Jeffery to go to work as laborers?

A. No, sir.

Q. Was there any opening afforded them at all?

A. If they wanted to go in and do laboring work.

Q. Yes; but there was no offer upon the part of the representatives of the department?

A. No, sir.

Q. You have seen a great deal of Mr. Weidener in the last three years, haven't you?

A. Well, what do you mean by a great deal — every day?

Q. Perhaps not every day, but —

A. Oh, I have been to see Mr. Weidener, perhaps, sometimes once a month; at other times not so often as that — rarely oftener than once a month.

Q. A man, so far as you know, of sober habits?

A. Yes, sir; I say that from previous experience — not from what I know of his position now. He was in the department at Franklin Park for a great many years, and there I had an opportunity of observing him almost every day.

Q. And Mr. Edgeworth — how old a man is he?

A. I should say about 38 — 36 or 38.

Q. Just how much leeway do you have in the arrangements for construction in the department?

A. What do you mean by leeway?

Q. Well, just how far does Mr. Pettigrew's jurisdiction go as to details?

A. I lay out the work generally in accordance with his ideas — not always from consultation with him, but knowing what his ideas are; and then we view it every day, as a rule, and talk over the details.

Q. Does Mr. Pettigrew ever reduce his ideas to figures or plans on any particular subject?

A. Now and then.

Q. What do you mean by now and then? How often?

A. I mean to say that if there is a piece of work, such as grading, to be done, a walk is shown at one place, and a road at another, and then a loam space — he may in a general way outline it in a rough plan so as to give an idea of what he wants. It is more to explain his conversation with me than anything to be followed.

Q. You are by this time pretty familiar with Mr. Pettigrew's ideas generally?

A. Yes, sir.

Q. And you are quite capable of going out and carrying out any plan of his?

A. I think so.

Q. Do you know this Mr. McShane, the contractor?

A. I know who he is.

Q. You know the investigation in regard to some change of accounts?

A. Yes, sir.

Q. How did that occur, Mr. Shea?

A. The investigation?

Q. Well, you made a certain little investigation yourself, didn't you?

A. I did.

Q. How long had you known him at the time you made this investigation?

A. Well, I know who he is — I don't know him.

Q. You have seen him?

A. I have seen him.

Q. You had talked with him about the loam, hadn't you?

A. No, sir.

Q. Never?

A. Never.

Q. Wasn't it a part of your duty to talk to him about it?

A. No, sir.

Q. Had you ever seen his wife?

A. No, sir.

Q. What started you to make this little investigation of yours about Mr. McShane?

A. Because I thought there was something wrong in the accounts which were presented for filling at Neponset.

Q. Just what appeared to you to be wrong in those accounts?

A. I looked over the receipts which had been turned in by Mr. Steinebrey for the amount of loam received —

Q. He was at that time foreman?

A. Not a foreman.

Q. Well, receiving the loam?

A. He had charge of the work, and received the loam. He gave me some time after he came there, an account of the number of loads received — I ought to say that the work had been going on before he went there.

Q. Yes?

A. And he was instructed, as all foremen are, to send in a separate account of the number of loads received. I looked those over, and also the checks. I found there were more checks on certain days taken into the department than there were loads accounted for by him.

Q. And do you recall in whose handwriting those surplus checks were?

A. I —

Q. Or did you learn?

A. No, I didn't.

Q. What made you call Kelly to you?

A. I went over to the ground, over to Neponset, and talked with Steinebrey and Kelly, and with the laborers there, and I found out that Kelly had been going off at noon with McShane.

Q. Going where?

A. Going away with him — evidently to his house, but I didn't know that then.

Q. Yes?

A. And then, after talking with the laborers, and with Mr. Steinebrey, I concluded that Kelly would know more about this than anybody else, and I sent for him to come to the office the next day.

Q. Do you remember what you asked him when you first got him in?

A. Yes, — well, in a general way.

Q. I mean in substance?

A. I said to him, "Kelly, I think there is something wrong at Neponset Playground in the receipts for filling, and I think you can tell me about it." He said, "In what way?" I said, "We have more checks than we should have." I said to him, "Perhaps you can help me in some way to find out where these checks come from." I had all the checks which had been sent in to the office.

Q. If I may break in, how much in excess were the checks? About how many, averaged by day, or in the bulk?

A. I think there was something like seven or eight books in excess.

Q. That would be seven or eight hundred checks?

A. Yes.

Q. Yes?

A. And Kelly said that he knew nothing about it. Then I talked with him quite a while, and finally he said to me: "Mr. Shea, I take that back. I think I know something about it. I think I know who wrote those checks." I said, "Well, you will have to tell me." I asked him who wrote them, and he said first that it was Mr. McShane's wife.

Q. Yes?

A. And then he afterwards told me that her brother assisted her in writing them.

Q. Did he give you the brother's name?

A. He may have; but not so that I can remember it.

Q. You didn't think it important enough to take the brother's name at the time.

A. No, I didn't.

Q. Go ahead. What else was said?

A. I asked him if he could identify her handwriting, and he said he could. I asked him if he had anything by which he could identify the handwriting, and he said no. I asked him how they got the check books, and he said they were stolen from the foreman's shanty, located at Neponset. Afterwards, after some little conversation — I had him with me for about two hours — I said to him: "I don't think they wrote them. I think they were written by somebody whom you know better."

Q. That is, you mean that neither Mr. or Mrs. McShane wrote them?

A. Yes, sir; neither Mrs. McShane or her brother.

Q. Who did you suppose wrote them?

A. I had no idea.

Q. The McShanes presented them, didn't they?

A. No.

Q. Weren't they the only persons who could derive any profit from presenting them?

A. I suppose so.

Q. It wouldn't be possible for Kelly to get any profit?

A. I don't know that.

Q. I mean directly?

A. He couldn't cash them himself; no.

Q. The only person in the world who could cash them was McShane?

A. Yes, sir.

Q. What made you think that anybody else wrote those checks, outside of the McShane family?

A. Well, I cannot say that I have any good reason for thinking so.

Q. Go ahead — you were saying that you told him that you thought somebody else wrote them.

A. He finally said to me that he could prove that they were written by these parties whom he claimed wrote them.

Q. That is Mrs. McShane's brother and Mrs. McShane?

A. Yes. So I asked him, more than that, how it would be possible that he didn't know anything about it — how it would be possible for them to return them to the department without it being known to him, and he said that McShane came into the shanty very often — I mean by returning them, returning the stubs. He said that McShane came to the shanty, and slipped the stubs in with the stubs of other books which were in at the time. Finally he said that he could prove that they were written by them, and I said: "In what way?" He said if I could give him some books he could take them over and have them written and returned in the same way as those at that time in the possession of the Park Department. I marked a book and gave it to him. Before calling Kelly over, I directed the man in charge not to allow Kelly to measure any filling, and in sending him away I gave Kelly a note to the man in charge telling him that he was to allow him to remain there and at work, but he was not to measure any loads and not to sign any checks.

Q. Well, now, did that marked book come back to you?

A. No, sir.

Q. Never came back?

A. No, sir.

Q. Did you inquire any further into the matter?

A. Yes.

Q. From Kelly?

A. I never saw Kelly after that until the investigation

Q. Never saw him again?

A. No, sir.

Q. Ever make any effort to find him?

A. No, not directly. The only effort I made was to go to Neponset and see if he had been there.

Q. Did you send for Mr. McShane?

A. No.

Q. Did you send for Mrs. McShane?

A. No.

Q. Well, you had the palpable evidence in your possession that somebody had been trying to defraud the city?

A. Yes, sir.

Q. And you thought that of sufficient importance to investigate it to a certain extent?

A. Yes, sir.

Q. And then, Mr. Shea, for what reason did you drop the investigation there?

A. I didn't drop it.

Q. But you didn't call in the McShanes?

A. No.

Q. Whom did you consult upon it, then?

A. Mr. Pettigrew.

Q. And did you make a statement to Mr. Pettigrew such as you have made here, in substance?

A. I did.

Q. What did he say?

A. He looked over the checks with me, and then we had them examined in detail by the clerks, who gave the day in which the checks were received and the day in which the filling was supposed to have come in, and Mr. Pettigrew took those papers and presented them to the Park Commission.

Q. Do you know of any effort being made to prosecute McShane?

A. I don't.

Q. Never heard anything about it afterwards?

A. Yes.

Q. What did you hear about it after that?

A. Well, I saw a bill which McShane sent to the Park Department, with some checks — no, I can't say that I saw the checks. I saw a bill which he sent to the department.

Q. Which you understood had checks accompanying it?

A. Well, they had the checks in reserve.

Q. I see; and do you know what disposition was made of that bill?

A. The bill was settled between Mr. Moran, counsel for McShane, and the Park Department.

Q. Well, do you know who represented the Park Department?

A. Well, I couldn't say certainly — I do know, but —

Q. Well, do you know whether it was a representative of the Law Department, or was it outside counsel?

A. I can't say that there was any counsel in it at all. I think that had better come from some one who knows, Mr. Lundy.

Q. Well, perhaps it had. You heard Kelly testify that Mrs. McShane wrote those checks?

A. I did.

Q. And you heard him testify that he used to go to dinner at McShane's house?

A. I did.

Q. And, from what you know of the circumstances, that is probably true, is it not?

Mr. MATTHEWS. — Well, I object to that.

Mr. LUNDY. — Well, now, why?

Mr. MATTHEWS. — His opinion is asked as to whether an allegation made by A imputing fraud to B is true. I don't think that is competent.

Mr. LUNDY. — I don't think you are stating it clearly.

The CHAIRMAN. — What is your question?

(At the request of Mr. Lundy, the stenographer repeated the question.)

Mr. LUNDY. — The point of my question is this: Mr. Shea testified that he heard Mr. Kelly testify here that Mrs. McShane had made out certain checks, and that he, Kelly, had gone many days, several days, to dinner at McShane's house. I now ask Mr. Shea if, in the light of the facts which he now has, that is not true, or does not appear to him to be true?

Mr. MATTHEWS. — I haven't any objection to your asking him about any facts, but you cannot ask him for opinions in regard to alleged fraud of others.

Mr. LUNDY. — Well, when it comes as closely home as this?

Mr. MATTHEWS. — Home to whom? Home to McShane.

Mr. LUNDY. — Well, Mr. Shea was the man who had charge of that little investigation of his. He conducted an investigation of this matter at that time, and now I ask him what he concluded at that time.

Mr. MATTHEWS. — I object to his giving his opinion, on general principles.

The CHAIRMAN. — Mr. Shea made an examination of this, himself?

Mr. LUNDY. — Yes, exactly, and now I ask him for his conclusions.

The CHAIRMAN. — Would it not be competent for the counsel to find out his conclusions?

Mr. MATTHEWS. — No, I should say not. A man's opinions cannot be asked in a court of law, unless he is an expert. An ordinary witness, like the present one, can be asked what he saw, or knew or did, but his testimony ought to be confined to facts. I want to say that this is a matter of entire indifference to the department, which I represent, but I think that in simple justice it ought not to be admitted. I have no interest in Mr. McShane, and do not know that I ever saw him in my life; but it seems to me that it is a little hard on a man who is not represented here to have his character taken away by opinions.

Mr. LUNDY. — Whose character is being taken away, now?

Mr. MATTHEWS. — Mr. McShane's.

The CHAIRMAN. — As long as he entered into an investigation, I think it is perfectly competent for the counsel to ask him his conclusion upon it.

Mr. LUNDY. — The witness practically constituted himself as a judge there, and made an investigation of this matter.

Mr. MATTHEWS. — No; he referred it to his superior officers.

Mr. LUNDY. — Yes; afterwards — well, I will withdraw that question.

Q. (By Mr. LUNDY.) Did you at any time learn, as a matter of fact, whether those checks were in the writing of Mrs. McShane?

A. I didn't.

Q. And you never made any effort to find out, beyond interviewing Mr. Kelly?

A. I didn't.

Q. Did you ever hear anything about this loam that Mr. Prendergast has testified to, that the Eichorns were selling, as not being proper stuff?

A. Not until I heard it here at the investigation.

Q. That was never brought to your personal attention?

A. No.

Q. Are you responsible for the placing of men to receive loam and measure it?

A. In a great measure; yes.

Q. What has been your original idea in regard to the matter of measuring — to pick men for that position, or boys?

A. To pick young men who could figure, and figure quickly, and write quickly.

Q. Well, when you appointed a young man or boy to that particular position, did you give him any examination?

A. I saw if he knew how to figure in decimals.

Q. Did you ever make an examination of this Kelly boy?

A. I can't remember, but, if I gave you to the best of my knowledge — well, I can give you my reason for appointing him.

Q. Yes; very well?

A. He had been writing checks at Franklin Park for quite a few months, and —

Q. Before you knew it?

A. No; I mean writing them — filling them in — and had been working under the direction of Dolan. Mr. Jeffery, of course, was the foreman, but Dolan had immediate charge of the checks. This boy was Jeffery's water boy. I saw that he was a good writer, and asked Dolan if he was quick

at figures, and Dolan said he was. I thought, from his experience there, that he would be competent to measure loam.

Q. You took him from there to Marine Park?

A. Sent him from there.

Q. Do you remember his making any objection to going to Marine Park?

A. No, not that I remember.

Q. Didn't Mr. Jeffery need a man to do that work in Franklin Park at that time?

A. Dolan was doing it.

Q. How did you know Kelly had been doing it?

A. Kelly hadn't been doing Dolan's work, but had been filling in the writing of the checks.

Q. Well, at this particular time Dolan could attend to all the work that was done?

A. He had other assistants.

Q. Do you recall who the other assistants were?

A. I think there was a boy named Carty there, and another young man — I don't recall the name of the other.

Q. You don't remember asking any questions about Carty as to whether he was a good writer?

A. He wasn't as good a writer.

Q. As Kelly?

A. No.

Q. Now, do you understand that Kelly went to work as a water boy?

A. He did.

Q. Do you know how long he remained at work as a water boy?

A. Well, several weeks.

Q. Well, wasn't it under your instructions that he went to work as a tallyman?

A. He didn't go to work as a tallyman at first.

Q. Well, to write the checks?

A. Well, yes, he did help out there.

Q. That was under your instructions, was it not?

A. Yes, sir.

Q. You directed Kelly to do that?

A. I directed Jeffery to have him do it. I didn't direct Kelly to do it.

Q. It wasn't Dolan?

A. I think likely Jeffery.

Q. When did you first find that this Kelly had been in the House of Correction, or had been to the Reformatory?

A. I think it was either the day after or the day before my examination of him at the office.

Q. You didn't know it at the time that you gave him this work to do?

A. No, sir.

Q. And when he says that, he lies, does he?

A. Yes, sir.

Q. Who was doing the tallying at Marine Park before you sent Kelly there?

A. Abbott and Weidener.

Q. Did they have too much to do, so that you sent Kelly there?

A. Yes, sir.

Q. Is Abbott in the employ of the department now?

A. I think he is suspended.

Q. You haven't seen him lately?

A. No.

Q. Was Weidener's son employed at that time?

A. I believe so.

Q. In what capacity was he employed?

A. As a messenger boy.

Q. Don't you know that he was being used as a tallyman at that time?

A. I knew that he was being used to fill in the checks — not to sign them.

Q. Then, when you sent him to South Boston, you sent him merely in that capacity, did you?

A. Yes, sir.

Q. He went there about the first of July?

A. Some time about then.

Q. How many teams, so far as you know, of loam were there going in at that time that you sent Kelly?

A. I couldn't give the total number. I know that I had frequently seen a dozen teams there at a time.

Q. At a time?

A. Yes.

Q. Then, there would be over a hundred a day, likely?

A. I think likely.

Q. Who informed you of the demand for an extra tally boy at South Boston? Who called for this appointment?

A. Well, I think Weidener sent for a tallyman.

Q. Were you at the time stationed mainly at Franklin Park?

A. Yes, sir; and in the neighborhood.

Q. You were?

A. Yes, sir.

Q. Do you know the Eichorns pretty well?

A. Not very well; I know them quite well.

Q. Had you known the Eichorns before they began to deliver loam there?

A. Knew Eugene Eichorn.

Q. Eugene wasn't delivering the loam?

A. No.

Q. It was delivered by Albert?

A. Yes, sir.

Q. How long had you known Eugene?

A. I think about sixteen or eighteen years.

Q. Pretty familiar with him, then?

A. No, I can't say that I was.

Q. Well, knew him pretty well?

A. Well, sixteen or eighteen years ago I was familiar with him. I have seen a little of him since.

Q. Did you go to school with Eugene Eichorn?

A. I did.

Q. Where was that?

A. Boston College.

Q. Do you recall Mr. Jeffery's making an objection to you about removing this Kelly boy from his department?

A. No.

Q. Don't recall any kick there?

A. No. There may have been an objection, but I don't recall any.

Q. You don't recall Jeffery complaining that he was short handed for a boy?

A. Well, they had been short handed for quite a while.

Q. Then, did you consider that they were more short handed in South Boston?

A. Well, Dolan was pretty well broken into the work, and it was possible to get another boy to fill the checks there; and after sending this boy to South Boston I had more leisure to pick out a boy for the other place, if needed.

Q. Then, Kelly had become an experienced man at this time, to a certain extent?

A. I suppose so.

Q. And how many did you have in Franklin Park altogether receiving the loam?

A. At that time?

Q. Yes?

A. Well, most of the loam was going into this particular place, with Jeffery.

Q. At Marine Park?

A. With Jeffery, at Franklin Park. Dolan had charge of most of it, at the time.

Q. You had three men at Marine Park — Weidener and his son and Abbott?

A. Yes.

Q. And out there you had Jeffery, who wasn't attending to that particularly?

A. Only to oversee it.

Q. And you had Dolan?

A. Yes.

Q. And Kelly?

A. Yes.

Q. And you had a total of three who had anything to do directly with the loam?

A. Four.

Q. Where is the fourth?

A. Carty, and one other boy.

Q. Then, you had five?

A. There were four, I say — four besides Jeffery.

Q. Now, as a matter of fact, Jeffery had very little to do with the actual receipt of the loam?

A. Very little to do.

Q. And could not, considering the line of duty that he was following, be held responsible for the loam, so far as the actual measurements went?

A. Well, I don't agree with you there.

Q. Tell me why?

A. It is a foreman's duty to see that the measurements are correct.

Q. I understand, and it is the general foreman's duty to be responsible for all of them?

A. Exactly.

Q. But I mean directly responsible. He was not in the position of measuring carts or making checks?

A. Not for every one, but it was his duty to see that it was properly cared for, and that they were properly measured.

Mr. LUNDY. — I think I shall have to drop Mr. Shea here for to-day.

Mr. MATTHEWS. — Is it your intention to put Mr. Shea on the stand at the next hearing?

Mr. LUNDY. — Yes, sir.

Mr. MATTHEWS. — As the first witness?

Mr. LUNDY. — Yes.

The CHAIRMAN. — As the counsel does not desire to continue any further until to-morrow, we will adjourn the hearing until a quarter past 2 to-morrow afternoon.

Adjourned at 5.45 P.M., to meet on Wednesday, March 28, at 2.15 P.M.

EXHIBIT No. 12.

NEW YORK COMMERCIAL COMPANY,
605 DUN BUILDING,

NEW YORK, March 23rd, 1900.

JOHN F. DEVER, ESQ.,
Clerk of Committees,
CITY HALL, BOSTON, MASS.

DEAR SIR, — Your telegram, "Kindly furnish me with date of service of Wm. J. Kelly, of Boston, Mass., with your company. Telegraph at my expense," was received last evening after business hours, and not seen by us until to-day.

William J. Kelly, who is now in the employ of Geo. A. Alden & Co., Boston, was in our employ from May, 1898, until April, 1899. He came from Boston to us, and then went back to Boston in the employ of Geo. A. Alden & Co.

Yours truly,

NEW YORK COMMERCIAL CO.

Your message was erroneously addressed 29 Broadway, instead of 290, which possibly may account for delay in delivery.

EXHIBIT No. 13.

706 WORTHINGTON BUILDING, 31 STATE ST.,
BOSTON, Oct. 26, 1898.

BOARD OF PARK COMMISSIONERS,
CITY OF BOSTON.

GENTLEMEN, — On Oct. 24, 1898, we submitted a bid of $4,880.00 for building a stable in Franklin Park, according to plans and specifications furnished by your department.

Under the conditions of the proposal, we were the lowest bidders, and are ready to furnish such bonds as your department may require. As the prices of material are advancing, we ask that you award us the contract, as we wish to take advantage of the present market.

Yours very respectfully,

D. J. DONOVAN'S SONS.

[COPY.]

EXHIBIT NO. 14.

DEPARTMENT OF PARKS, CITY OF BOSTON,
BOARD OF COMMISSIONERS,
JAMAICA PARK, BOSTON, October 27, 1898.

D. J. DONOVAN'S SONS,
706 Worthington Building, Boston.

GENTLEMEN, — Enclosed please find check for $300 which accompanied your bid for building stable in Franklin Park.

The Board has decided to reject the bids for the stable in Franklin Park, received on Monday, and to readvertise the contract eliminating the plumbing work from the specifications. The new bids will be received Monday, October 31, 1898.

Yours truly,
GEO. F. CLARKE, *Secretary*.

EXHIBIT NO. 15.

[COPY.]
706 WORTHINGTON BUILDING, 31 STATE ST.,
BOSTON, November 1, 1898.

BOARD OF PARK COMMISSIONERS,
CITY OF BOSTON.

GENTLEMEN, — We again notify you that inasmuch as we were the lowest bidders on the stable at Franklin Park, the bids on which closed the 24th day of October, 1898, that we still stand ready to furnish whatever bonds your department may require, and ask to be awarded the contract.

We are aware that your department has advertised for new bids and have opened same, with the result that though you have eliminated the plumbing, an item of less than $150, the present lowest bidder has reduced his former bid almost $2,000, and other bidders have reduced theirs about $500; but though the present bidders are entitled to some consideration, the fact that we complied with every detail of your first proposal entitles us to the award, more particularly as the reductions the last bidders have made is in no sense proportionate with the reduction necessitated by your elimination.

Yours very respectfully,
D. J. DONOVAN'S SONS.

EXHIBIT No. 16.

PROPOSAL FOR BUILDING A STABLE IN FRANKLIN PARK.

To the City of Boston, Mass.:

The undersigned declares that no person in the employ of said city is pecuniarily interested in this proposal or in the contract for the work which he proposes to do, and that he has informed himself fully in regard to all conditions pertaining to the site where the work is to be done, and carefully estimated on the work. He understands that the city, its agents and employes, are not to be in any manner held responsible for the accuracy of, or bound by, any estimates, or borings, or plans of borings, relating to the work, and that any that have been made are to be considered solely for the purpose of filling out and comparing the several proposals.

The undersigned proposes and agrees that, if a notice of the acceptance of this proposal shall within ten days after the day on which the proposals for doing the work are opened, be given to him or mailed to him at the business address hereinafter given, he will, at 11 o'clock A.M., of some day of the six week days next after the day on which said notice shall be so given or mailed to him, appear at the office of the Chairman of the Board of Park Commissioners of the city of Boston, in said city, and execute in triplicate, and deliver to said chairman for said city in the form of the office copy of the contract kept in said office, a contract for doing the work above specified, and execute and deliver to said chairman for said city a bond to said city of a surety company or citizens of Massachusetts, satisfactory to said chairman, in the sum required by him, conditioned that the contractor shall faithfully furnish and do everything required of the contractor in said contract; the city to allow as payment for the work including everything furnished or done by, or resulting to, the contractor in doing the work, the following-named sums, subject to the provisions of said contract.

Item 1. The sum_____

(_____) dollars.

The undersigned further agrees that the certified check left by him with said Board payable to the City of Boston, is for the amount of damages which said city will sustain by the failure of

the undersigned to execute the contract and bond as stated in this proposal and is to be the property of the city, if notice shall be given or mailed as aforesaid, and the undersigned shall fail to execute and deliver the contract and bond as aforesaid, otherwise the check is to be delivered up to him on his receipt therefor.

Bidder_____

Business Address_____

The bidder must use the above form, fill out and sign the proposal and leave it at the office of the Board of Park Commissioners, Pine Bank, Jamaica Plain, before 3 o'clock P.M., Monday, Oct. 31, 1898, with a certified check for $300 payable to the City of Boston. The proposals of bidders who conform to the above directions, and no other, will, at said hour and place, be publicly opened and read; and the undersigned reserves the right to accept or reject any such proposal. The proposal and check should be enclosed in an envelope endorsed "Proposal for Building a Stable, Chairman of the Board of Park Commissioners of the City of Boston."

The name and residence of each surety on the bond is as follows:

Full name of surety.	Residence of surety.

If the bidder is a firm, the following must be filled out:
The bidding firm consists of the following members:

Full name of member.	Residence of member.

If the bidder is a corporation, the following must be filled out: The bidding corporation is organized under the laws of the

State of _____

The Officers are:

Full name of officer.	Residence of officer.
President:	
_____	_____
Treasurer:	
_____	_____
Directors:	
_____	_____
_____	_____

EXHIBIT No. 17.

CITY OF BOSTON,
BOARD OF PARK COMMISSIONERS,
JAMAICA PARK, October 20, 1898.

Mr. D. J. DONOVAN & SONS:

DEAR SIRS, — Spruce to be used for all framing above first floor. Gutter to be made of 16 oz. copper, instead of cypress. Windows to be glazed with double thick glass.

Yours truly,
C. E. PUTNAM, *Engineer.*

EXHIBIT No. 18.

CITY OF BOSTON,
BOARD OF PARK COMMISSIONERS,
JAMAICA PARK, October 28, 1898.

D. J. DONOVAN'S SONS:

GENTLEMEN, — Use six (6) inch iron columns instead of eight (8) inch, and build in twenty-eight (28) hitching rings furnished by the city.

Yours truly,
C. E. PUTNAM, *Ass't Engineer.*
C. E. H.

EXHIBIT NO. 19.

SECT. 3. — Build piers chimneys and walls of well-shaped, hard burned, sand-struck brick of even color, quality and size, laid with not more than $\frac{3}{8}$-inch joints. Lay all brick in cement mortar filling, solid all joints. Brickwork.

SECT. 4. — Build walls hollow and tie well together. Lay all exterior brickwork with V joints and interior with joints struck for whitewashing. Make every sixth course a full heading course. Turn double rowlocks over all window openings, and make window sills of brick laid on edge in Portland cement mortar. Walls.

SECT. 5. — Build in and fill between iron beams over doors. Anchor second floor beams and joists to walls every eight feet, as directed. Beams and anchors.

SECT. 6. — Build into chimney one 8-inch by 8-inch terra-cotta flue, leave opening for heater flue, and set lead flashing at junction with roof. Chimney.

SECT. 7. — Lay five courses of brick in foundation in mortar made impervious by the addition, as directed, of one per cent. of powdered alum and one per cent. of potash soap.

SECT. 8. — Make door sills and fenders of granite, rough pointed and built into brickwork. Door-sills.

SECT. 9. — Make mortar of one part of the best quality of American hydraulic cement and $1\frac{1}{2}$ parts clean, sharp sand, thoroughly mixed and properly wet. It shall be used within one hour after mixing and not at all if once set. The quality of the cement shall be determined by the usual tests made by the city, and a sufficient quantity shall be kept on hand to allow time enough for testing. Mortar and cement.

SECT. 10. — If masonry be laid in freezing weather, the brick shall be sufficiently warmed to remove the ice from the surface, and the mortar shall be mixed with brine made by dissolving one pound of salt in eighteen gallons of water, when the temperature is 32° F., and adding one oz. of salt for every degree that the temperature is below 32° F., or enough salt, whatever the temperature, to prevent the freezing of the mortar. Masonry laid in freezing weather.

SECT. 11. — Place around cast-iron columns, 8-inch in diameter and $\frac{3}{4}$-inch thick where shown, with 1-inch iron plates underneath and on top. Iron columns.

SECT. 12. — Make caps over doors of two 8-inch by 2.47-inch by 0.47-inch steel channels and one 8-inch by $4\frac{1}{2}$-inch by 0.27-inch steel 1 beam to each door, built into brickwork and resting on 1-inch iron plates. Doorcaps.

SECT. 13. — Use for all framing and boarding, above second floor, square edged, sound well seasoned, spruce free from loose knots, shakes or other defects which tend to weaken the timber, Framing and boarding.

cover roof and walls of ventilators with $\frac{7}{8}$-inch spruce, not over 10 inches wide, matched, and well nailed to rafters. Exposed surfaces of woodwork under overhang to be mill planed, and boarding to be thick enough to prevent slating nails from going through. Hang headers, with stirrups made of $\frac{3}{8}$-inch by $2\frac{1}{2}$-inch iron. All exposed surfaces of woodwork in first story to be mill planed. Fasten second floor beams together with $\frac{3}{4}$-inch screw bolts, one bolt to each joint, and fasten every second 3-inch by 10-inch floor beam to joists with $\frac{3}{4}$-inch spike bolts, one bolt to each bearing, holes to be bored $\frac{1}{16}$-inch smaller than bolt.

Hard pine. SECT. 14. — Use for framing for first floor prime hard pine and notch floor beams down on to joists as directed.

Floors. SECT. 15. — Make under floors, and upper floors, in loft, of sound well-seasoned, mill-planed, spruce, $\frac{7}{8}$-inch thick, and well nailed to beams. Lay under floor in first story as soon as roof is made tight, and allow City to lay upper floor and put in stall partitions.

Windows. SECT. 16. — Make all second story and stall windows with 2-inch solid pine frames and $1\frac{1}{2}$-inch pine sash hinged at the bottom, with 3-inch brass butts, to open in, second story windows to have brass chains and catches. Other windows, excepting in ventilators, shall be double hung, and have box frames with hard pine pulley stiles and beads and $2\frac{1}{2}$-inch sills. Sash to be $1\frac{3}{4}$-inch pine, hung with satisfactory weights and cords, and provided with brass fasts. Windows in ventilators shall have solid frames and $1\frac{3}{4}$-inch sash. They shall be hinged in the middle to open in and be provided with hangers, pulleys and cords so arranged that the windows can be opened and closed from first floor. Outside finish around ventilator windows to be of white pine. Window and door frames to be primed before being set.

Doors. SECT. 17. — Make doors in two parts of $\frac{7}{8}$-inch white pine, matched and beaded and securely nailed, diagonally, to $1\frac{7}{8}$-inch pine frames. Door in second story to be hinged to open in, and provided with bolts for fastening closed. Sliding doors to be hung on fixtures furnished by the City but put in place by the Contractor, and boxed over as directed to protect from weather; slide doors to have guides at bottoms.

Roofing. SECT. 18. Cover the roof of stable and walls of ventilators with heavy sheathing paper and 8-inch by 16-inch unfading green slate $\frac{3}{16}$ inch thick and lapped 3 inches; slate hips and flash with 14-ounce copper over wood ridge. Flash gutter with 14-ounce copper and carry up slate. Set in slating, as directed, Folsom's patent snow guards. Cover roofs of ventilators with heavy ribbed glass, set in suitable frames and sash, and make roofs tight.

Gutters and conductors. SECT. 19. Make gutters of 16-ounce copper of suitable size, and conductors 4 inches round, of 20-ounce copper, securely fastened to walls, and 4-inch heavy cast-iron drain-pipe, extending 4 feet above ground. Connect, with gutter, with round copper goose necks.

SECT. 20. Run 1-inch lead supply pipe into building, and branch for watering trough and sink. Put in one sill cock. Lay 4-inch heavy cast-iron soil-pipes where shown, and put in branches to stall gutters and to wastes from watering trough and sink. Put in necessary traps and ventilator pipes. Extend all soil-pipes 4 feet outside of foundations. Plumbing.

Sect. 21. The City shall make all excavations, and lay footings to elevation marked on plan "Top of Footings," and shall run all drains and water-pipes to building. Excavations, footings and outside drains.

EXHIBIT NO. 20.

CITY OF BOSTON, OFFICE OF THE MAYOR.

To the Heads of Departments:

GENTLEMEN: I am informed by the officers of the Master Plumbers' Association of Boston, which includes, I am informed, a considerable majority of the best plumbing firms in the city, that a rule of that association forbids any member from estimating upon or performing any plumbing work for the city of Boston which is included under a general contract. In view of the attitude of this association and the considerations in favor of letting separate contracts for plumbing, heads of departments are requested to have all contracts for plumbing work in new buildings advertised and let separately from the general building contracts, unless there are special reasons in particular instances against following this course, in which case special authority to include the plumbing in the general contract should be asked for.

Yours respectfully,

JOSIAH QUINCY, *Mayor.*

May 4, 1897.

SEVENTH DAY.

CITY HALL, March 28, 1900.

The committee met in the aldermanic chamber, City Hall, at 2.15 P.M., Chairman NORRIS presiding and all the members present.

Appearances — same as before.

The CHAIRMAN. — The committee will please come to order. Counsel will call his first witness.

TESTIMONY OF RABAN V. KNUEPFER.

Q. (By Mr. LUNDY.) Your full name?

A. Raban Victor Knuepfer.

Q. Where do you live, Mr. Knuepfer?

A. 16 Clarendon Park, Roslindale.

Q. Now, have you been in the employ of the Park Department?

A. I was employed in the Park Department for something over ten years.

Q. In what capacity? What did you do there?

A. First as assistant gardener to the gardener in charge of the Back Bay Park, and then later on gardener, under charge of Mr. Fischer — landscape assistant.

Q. Speak loud enough for the Chairman to hear you?

A. I shall.

Q. Now, where were you working in the spring of 1898? Do you remember?

A. 1898? Well, I wasn't there in the spring. I left the department in January.

Q. Of 1898?

A. Yes.

Q. Well, when did you work there last?

A. I worked last — I think I can tell you the exact date by reference to my time book. I worked there until the 12th of January, 1898.

Q. Of 1898?

A. Yes.

Q. Was Mr. Pettigrew in charge then at all?

A. He was.

Q. When did Mr. Pettigrew come to work there?

A. As well as I knew, it was the first of February the year previous, or somewhere about that time.

Q. Of 1897?

A. Yes. I didn't see Mr. Pettigrew personally until about three weeks afterwards.

Q. Well, when did you first see Mr. Pettigrew?

A. In February, 1897, when I was working at Charlesbank.

Q. Now, what did you do down at Charlesbank?

A. I had charge of the plantations there.

Q. And you are a landscape gardener?

A. Yes, sir.

Q. Have studied it?

A. Yes, sir; for the last twenty years.

Q. What did you do at the park in the Charlesbank? What work did you do?

A. Maintaining the plantations, taking care of shrubs and trees.

Q. Did you act in your work there under the plans of Mr. Pettigrew?

A. No. When Mr. Pettigrew came there was no change made whatever.

Q. No change there?

A. Not for some weeks. I followed just the line of my duties, laid down by Mr. Fischer and Mr. Howe.

Q. Well, what experience had you had at landscape gardening before you went to work for the Park Department?

A. I was employed at Wellesley for some time, and had some experience in Europe.

Q. Well, for whom did you work at Wellesley?

A. Professor Smith, George Frederick Smith.

Q. What does he do?

A. He was employed at that time at Wellesley College.

Q. Did you understand him to be a landscape gardener?

A. No, he was not that. He was a professor, following up botanic studies and trial planting, only for the sake of information.

Q. Aside from your experience with Professor Smith, who else have you worked for as a landscape gardener?

A. Not in this country, but at my homestead, at Manheim, in Germany.

Q. In Germany?

A. Yes.

Q. You worked there for some time gardening?

A. For several years; also in Switzerland, where I was employed for some time in the same capacity.

Q. In what way did you quit service with the Park Department?

A. I didn't quit, but they made me go.

Q. Who?

A. I presume Mr. Pettigrew, because I was suspended the 12th of January by Mr. Dawson.

Q. When?

A. In 1898, without giving me any reasons.

Q. Did you ask for a reason?

A. I did, several times.

Q. Did they ever give you any satisfaction?

A. No, sir.

Q. Did you go beyond Mr. Dawson for explanations?

A. I did. I asked for a hearing before the Board of Park Commissioners and was denied it, without reason.

Q. Did you ever receive any letter that denied you that application for a hearing?

A. I did.

Q. From whom?

A. Mr. Charles E. Stratton.

Q. Have you that letter now?

A. I may have it, possibly, here. (Producing letter.) Here is the letter.

Mr. LUNDY. — Mr. Chairman, I am now going to offer this letter. Mr. Knuepfer has stated that he applied personally to the Board of Commissioners for a hearing upon his case. I now introduce this letter.

The CHAIRMAN. — What do you propose to establish by this?

Mr. LUNDY. — I propose to introduce it and establish something by it a little later, if you please, by my questions. I will simply establish this, that this man was removed without cause, possibly through favoritism. That is part of my case.

Mr. MATTHEWS. — And possibly because of inefficiency?

Mr. LUNDY. — Possibly because of inefficiency, possibly for almost any cause, but I propose to introduce this letter at this time.

The CHAIRMAN. — All right.

(See letter at close of day's hearing, Exhibit 21.)

Q. (By Mr. LUNDY.) Mr. Pettigrew was superintendent at that time?

A. Exactly.

Q. Now, what part of the work did you engage in there, Mr. Knuepfer?

A. From the start I was working as assistant gardener to the late Mr. Whelan, who was superintendent or foreman at the Back Bay Park.

Q. What was done there?

A. Planted plantations — planted some and maintained some.

Q. Cut down any trees there?

A. No, sir; planted trees.

Q. Didn't take down trees?

A. No, sir, nothing of the kind — planted them.

Q. Do you recall any of the trees there that you planted that should not have been planted?

A. No, sir.

Q. All the trees you planted there were in a good healthy condition?

A. Yes, sir, and succeeded until they were cut down later.

Q. Well, do you know whether or not they were cut down later?

A. I saw quite a number that were missing when I was out there last.

Q. When was that?

A. Last fall, and I was told that they were cut out.

Q. Who told you that they were cut out?

A. Some of the workmen.

Q. Who were they? Do you recall?

A. Couldn't tell the names.

Q. Could you say by looking at the place that any of those trees had been cut out?

A. Now?

Q. At the time you were out there?

A. I remember quite a number of trees that I assisted in planting were not there last year, trees that I was looking around for. I got the information that they were cut down by order of Mr. Pettigrew by Mr. Peter McManus, the gardener in charge there.

Q. You know that all the trees you assisted in planting were in good condition when you planted them?

A. Yes, sir, and for years afterwards.

Q. And you know from personal observation that those trees are not there?

A. A good many of them have been cut out or removed.

Q. Do you know the reasons why they have been cut out?

A. No.

Q. Do you know the species that have been cut out?

A. Pretty nearly every kind that we planted, but mostly it was catalpas and liriodendrons, American tulip trees. Those were the first to go.

Q. And you say that trees were afterwards cut out there which, from your experience as a landscape gardener, you say should not have been cut out?

A. I don't venture any opinion on that, other than that, in my opinion, not one of them should have been removed.

Q. They need not have been removed because they were planted too near together?

A. No, sir; they were planted judiciously, and I know that they were planted with a judicious space for each tree, so that they could grow for 50 years without interfering with each other.

Q. Those trees, you say, you planted for a period of 50 years, — that is, they should have been permitted to grow for that time and would in that time have developed into fine trees?

A. That is my candid opinion.

Q. And particularly valuable trees, in respect to their growth and development?

A. Exactly.

Q. Did you do anything else there?

A. In the succeeding year I was transferred onto Charlesbank, which was then new land, and planted that under the direction of Mr. Fischer.

Q. Now, while you were at this place did you encounter Mr. Frederick Law Olmsted at all?

A. Oh, yes, he called around repeatedly.

Q. Well, whether or not you know that these improvements, these plans, were carried out at the suggestion of Mr. Frederick Law Olmsted?

A. Strictly on his lines.

Q. And did he take a personal part in planting these individual trees, or a lot of the trees?

A. Well, as I understood from Mr. Fischer, he furnished the first suggestion.

Mr. MATTHEWS. — I object to what this witness understood.

Q. (By Mr. LUNDY.) State what you know. Do you know that Mr. Olmsted directed these trees to be planted in this way?

A. He gave the general suggestions, certainly.

Q. He gave the general suggestions?

A. Exactly.

Q. Do you recall the removal of any evergreens at that place?

Mr. MATTHEWS. — Where is this place?

Mr. LUNDY. — Charlesbank — Back Bay Fens.

The WITNESS. — There were none at Charlesbank at the time when I was working there.

Q. (By Mr. LUNDY.) This was the Back Bay Fens, was it not?

A. Yes, sir.

Mr. MATTHEWS. — All the tree cutting he has talked about was at the Back Bay Fens?

The WITNESS. — Yes, sir; so far.

Q. (By Mr. LUNDY.) What date — 1898 or 1897?

A. I couldn't say when they were removed. I stated that I left there in 1889.

Q. 1889 or 1899?

A. 1889 — was transferred to Charlesbank, then a new made park, which was planted afterwards.

Q. That was 11 years ago?

A. About that.

Q. You visited this place afterwards?

A. I said that last fall I made a call out there, and most of the number of trees that we planted in 1888 — a number of them — were removed.

Mr. LUNDY. — Well, I will suspend with this witness for a while.

Mr. MATTHEWS. — Don't you think you ought to finish up with this witness?

Mr. LUNDY. — No, I don't at the present moment.

Mr. MATTHEWS. — It is rather irregular to call a witness to the stand and then suspend, and afterwards go on with him. You have two suspended witnesses now.

Mr. LUNDY. — More than that.

Mr. MATTHEWS. — Yes, maybe more.

Mr. LUNDY. — There are more.

The CHAIRMAN. — What does counsel propose to do now?

Mr. LUNDY. — To put on the next witness. I don't propose to examine this witness until I receive certain further information. That is my attitude. I would like to have the counsel for the other side state his objection to that.

The CHAIRMAN. — Have you got a witness here who can give you certain further information?

Mr. LUNDY. — At the present moment?

The CHAIRMAN. — Yes.

Mr. LUNDY. — I don't know whether I have or not. I don't think it matters materially to the committee or the counsel for the other side whether I have or not. I am putting in my case, you understand, Mr. Chairman, and Mr. Matthews is putting in his. Now, I would like to have him assign some reason why I should continue with this witness?

Mr. MATTHEWS. — Simply because it is the ordinary practice to finish them up.

Mr. LUNDY. — If I may address this personally to brother Matthews, you understand that if this investigation were

being conducted upon the ordinary lines, according to the laws of evidence, there is much evidence produced here by the committee or by myself, and there are many questions that have been introduced here by the counsel for the Park Commission, that would not be permitted. This is an investigation, and the object of an investigation is to get at the exact facts, and we waive all trivial considerations of the laws of evidence. Otherwise, I should have been shut off long ago, and you would.

Mr. MATTHEWS. — You would have been, but I have not asked any question that I would not have been permitted to ask in a court of law.

The CHAIRMAN. — Counsel will proceed.

Mr. LUNDY. — Then, I will suspend with this witness and take the next witness.

Mr. MATTHEWS. — I would like to ask this witness a few questions, even if he is coming back, if there is no objection.

The CHAIRMAN. — Not at all.

Cross-Examination:

Q. (By Mr. MATTHEWS.) These trees that you planted were on the Fens, weren't they?

A. Yes.

Q. And planted about eleven years ago?

A. There were planted in 1887 and 1888.

Q. That was when the Fens were first constructed?

A. Yes.

Q. And just what part of the Fens were they planted in?

A. They were between Boylston-street bridge and Stony Brook outlet.

Q. On the east side of the Fens?

A. On both sides.

Q. On both sides of the basin?

A. Yes, sir.

Q. The southerly half of the basin was not completed until 1892, was it?

A. There was very little done, aside from the Stony Brook outlet. There was grading going on at that time, filling and surfacing.

Q. What is the name of that stone bridge in the middle of the Fens?

A. I couldn't tell you that.

Q. You know the bridge I refer to?

A. Yes, but that wasn't built in those days.

Q. The planting you have referred to was between the Boylston-street bridge and the place where that bridge now is?

A. Exactly.

Q. That is, it was to the north of that bridge?

A. Yes, the Agassiz Bridge was the last one built at that time.

Q. That is, the rough stone bridge, and the planting you refer to was north of that.

A. There were a few trees south of Agassiz Bridge, but the majority were between that and the Boylston Bridge.

Q. And you say they were tulips and catalpas?

A. Oh, a variety of trees. It is hardly possible for me to remember to-day what I planted ten or twelve years ago, but quite a variety.

Q. A great variety of trees, and planted very thickly?

A. No, not at all thickly.

Q. Weren't some of them planted closely together?

A. Some of them were planted somewhat close, but none of them very close. Of course, they were not at regular distances at all — might be some trees that would be 25 feet apart, and then it might be a distance to another tree of 500 to 600 feet.

Q. Yes, but some of the trees were not more than five or six or ten feet from each other?

A. It did happen occasionally that there would be two or three trees planted quite close to each other — ten or twelve feet distant.

Q. That is a very exposed part of the city, isn't it?

A. In what sense?

Q. Exposed to wind?

A. No more than Charlestown height or Charlesbank.

Q. It was in those days?

A. It was in those days — bleak and barren.

Q. No building to the west yet?

A. No, sir; not one.

Q. That is open to all the winds of the north and west?

A. Yes, sir.

Q. And these trees that were cut out you mentioned as being tulips and catalpas?

A. Some of them were.

Q. What other trees were there?

A. It is so long ago that I can't remember them all. There were some of those trees.

Q. You mentioned those two kinds of trees as having been cut out recently?

A. Yes, sir, because I remember that there were some of those trees coming under my attention, and I understand that a number of them were cut down in the Riverway in 1898, and a number out in Franklin Park.

Q. Just answer the questions. Unless I misunderstood you, the trees you mentioned as having been cut out recently were tulips and catalpas? That is what you said to Mr. Lundy, was it not?

A. I mentioned them particularly, because I considered them some of the most valuable ones, the most showy.

Q. Neither of those trees, catalpa or tulip is a native tree, is it?

A. Yes, sir. The catalpa is, the liriodendron is — both American trees, natives of the United States.

Q. Natives of eastern Massachusetts?

A. That is what the book told me that I learned in school — not Massachusetts, exactly.

Q. I ask you if they are native to Massachusetts?

A. I don't think they are limited to Massachusetts. I don't know of any tree that is limited in its native ground only to Massachusetts.

Q. You ought to be able to understand my question. Do you want this committee to understand that the catalpa tree grows naturally in Massachusetts?

A. I never have found any growing wild yet in the neighborhood of Boston. I have seen but little of Massachusetts — have seen some of the cities.

Q. You have never found the tulip tree growing native here, have you?

A. I don't know whether it was an accident, or whether it was planted, but I have seen it in Sharon, growing along the roadsides — not in places where people would plant it.

Q. Don't you know, as a matter of fact, that catalpa and tulip trees are not native to eastern Massachusetts?

A. I don't know. I only know these two trees are natives in the North American flora.

Q. Native to the United States, certainly, but don't you know that they are not native to Massachusetts?

A. Possibly so.

Q. Don't you know it?

A. I don't know. I haven't seen Massachusetts yet. But I do know this much, that they did exceedingly well.

Q. Do you want this committee to understand whether the catalpa tree or the tulip tree is a native of Massachusetts or not?

A. No, sir; I cannot know that, because I never heard of a tree that was strictly a native of Massachusetts.

Q. Perhaps you don't understand what I mean by the word "native." Do you want this Committee to understand that you don't know whether the tulip tree or the catalpa tree grows in Massachusetts in a state of nature?

A. I don't know about that.

TESTIMONY OF JAMES F. HANNON.

Q. (By Mr. LUNDY.) Your full name, Mr. Hannon?
A. James F. Hannon.
Q. And where do you live?
A. 64 Freeport street, Dorchester.
Q. Are you employed in the Park Department?
A. Yes, sir.
Q. Have you been subject to any of the suspension of the park employees?
A. No, sir.
Q. Then you are at the present time working there?
A. Yes, sir.
Q. Now, when did you go to work in the Park Department?
A. Fourteen years ago.
Q. And in what capacity?
A. I went as a laborer, there, first.
Q. How long did you work as a laborer?
A. Oh, about a year.
Q. Then what did you do?
A. Worked in the nursery.
Q. In the nursery where?
A. In the old nursery — what they called the old nursery, in Franklin Park.
Q. Now, in the spring of the year 1897 what were you doing?
A. I couldn't tell exactly.
Q. 1898?
A. In 1897 and 1898 I had charge of a few men.
Q. You had charge of a few men?
A. Yes.
Q. And what was your official position then?
A. Planting, cleaning up.
Q. Well, were you rated as a gardener?
A. Yes, sir.
Q. What salary did you get?
A. $2.25 a day — at the present time.
Q. And how many men were you supposed to have under you as a gardener?
A. Well, sometimes ten or twelve, sometimes less, sometimes more.
Q. What did these men under you do?
A. Cleaning up.
Q. What else?
A. Helped plant and clean up.
Q. What are they called?

A. I don't know.
Q. Called gardeners?
A. Gardeners' helpers.
Q. Come under the head of laborers, don't they?
A. Yes, sir.
Q. And you have had in 1897, and during the year 1898, ten or twelve under you rated as laborers?
A. Off and on — probably sometimes more and sometimes less.
Q. Where were you working in the spring of 1898?
A. Franklin Park.
Q. What doing?
A. The same business I told you.
Q. General gardening?
A. Yes, sir.
Q. Take any part in the cutting down of trees?
A. Yes, sir; in the fall and winter time.
Q. Now, who marked the trees that were to be cut down?
A. I couldn't tell you, sir.
Q. Don't you know anything about that?
A. No, sir.
Q. Well, did you have anything to do beyond swinging the axe on these certain trees that were marked?
A. That was all.
Q. And you had no reason to know who marked the trees?
A. No, sir.
Q. Or why they were cut down?
A. They were thinned out — to give the other ones a chance to grow.
Q. Who told you that?
A. I know it from experience myself.
Q. I know, but who told you that that was the particular object at that time?
A. Myself.
Q. Anybody else tell you that?
A. No, sir; not to my knowledge.
Q. Well, you cut down some pretty valuable trees, didn't you?
A. Not that I know of.
Q. Well, did you cut down any old, well matured trees?
A. Old trees?
Q. Yes?
A. Well, I couldn't say how old they were.
Q. Well, did you cut down any trees six or eight years old?

A. Yes, I think we did — what they call saplings, sapling growth.

Q. Do you know what kind of trees they were?

A. No, sir; I couldn't tell you — no.

Q. Cut down any oaks?

A. Yes, sir; some oaks.

Q. Any well developed, well matured oaks?

A. I don't know as I would call them that.

Q. Call them what?

A. Well matured elms or oaks.

Q. Well, you did cut down some six or eight years old, didn't you?

A. I guess so.

Q. Well, how long does it take an oak to mature?

A. I couldn't tell. I am not an expert on that.

Q. Well, you are expert enough to say that you don't think they were well matured?

A. Well, I don't know — that is, from my mind.

Q. From your mind you think they were not well matured oaks?

A. I think they wanted to be cut down to give the others a chance.

Q. Well, were they planted pretty thickly there?

A. Yes, sir.

Q. Now, do you recall cutting out any of the elms along the circuit drive?

A. I never did, to my knowledge.

Q. You know where the circuit drive is?

A. Yes, sir.

Q. Where is it?

A. Goes around Franklin Park.

Q. And you say you never have cut down any trees there?

A. No, not to my knowledge.

Q. Do you know who had charge of the work at the circuit drive?

A. I could not say, Mr. Lundy.

Q. You have no idea of that?

A. No, sir — that is, only the cleaning up part. Sometimes we were on the circuit drive — would be on and off, cleaning off the weeds, and so on.

Q. You have worked on the circuit drive, haven't you?

A. Yes, sir; less or more.

Q. And your work, less or more, on the circuit drive was in cleaning up?

A. Yes, sir; and planting.

Q. Well did you see any elms cut down there?

A. No, sir.

Q. None at all?

A. None at all.

Q. Now, Mr. Hannon, have you taken any part in the cutting out of shrubs along Canterbury road?

A. Yes, sir.

Q. How many of those shrubs did you cut out?

A. Couldn't say; didn't keep any list.

Q. How large an area did you cover in cutting out shrubs?

A. I would say about half an acre — that is on striped land, that ran just like this table.

Q. That runs along a certain space?

A. Yes — I don't know how many feet or yards. I suppose I could estimate it.

Q. Name any species of shrubs that you removed there, if you can?

A. Yes, sir; some syringas.

Q. What else?

A. Some cornus — broken down.

Q. What was the state of those plants?

A. Well, as far as we could, we saved them, tied them up, and took them up by the roots and planted them in a vacant place. They were taken up to give the other shrubs a chance to grow.

Q. Under whose instructions did you save those shrubs?

A. Mr. Dawson's.

Q. How many did you save?

A. All we could save.

Q. Well, was there any great number of shrubs that you saved?

A. Not a great deal.

Q. What was done with those you couldn't save?

A. Well, I couldn't tell. They were taken out, burned.

Q. Did you see them burned?

A. No, sir.

Q. Why do you suppose they were burned?

A. Because if they could be used they would be. They were strong of growth, and if they had been removed beforehand they would have been all right.

Q. Well, how long before that could they have been removed, with safety to the plants.

A. I should say, perhaps, five or six years ago.

Q. Before that?

A. Yes, sir — probably more. I wouldn't swear to that.

Q. (By Alderman GERRY.) Mr. Hannon, I would like to ask you if you were there in Mr. Fischer's time?

A. Yes, sir.

Q. I would like to ask you the condition of the nursery there then in regard to shrubs, plants and small trees, more particularly the shrubs and plants — the condition he left that nursery in?

A. Very good.

Q. Were there any of them there when he left?

A. Yes, sir.

Q. What became of them?

A. Planted them out — took them out and planted them.

Q. All of them?

A. Yes, sir; everything that could be saved.

Q. How many couldn't be saved?

A. Well, anything that was broken down by the wind or storms you couldn't do anything with. Any top or leader that was broken off we trimmed it and replanted it; tried to make a tree out of it.

Q. Then you want the committee to understand that the shrubs and plants, the things Mr. Fischer left there, you made use of in the parks?

A. Yes, sir, most undoubtedly — made use of every shrub and tree.

Q. Where were they put?

A. Over the parks.

Q. Where? Name one part?

A. I think I can show you a list where I distributed them out two springs of the year — sent them to Marine Park, Franklin Park, Wood Island Park —

Q. Excuse me for interrupting — what year did Mr. Fischer leave?

A. I couldn't tell you the year, Alderman, but it was afterwards Mr. Pettigrew took possession, about three years ago last January — some time thereabout.

Q. And you have a list of what you saved?

A. I have a list of orders wrote to me and sent out.

Q. Have you a list of the orders written to you and sent out before that?

A. No, sir; I didn't get no list.

Q. After that?

A. I didn't get no list of orders until after Mr. Dawson took charge.

Q. Well did you have a list of orders the next year from Mr. Dawson?

A. Yes, sir.

Q. Have you that list?

A. I believe I have part of it. I won't say all.

Q. How about the next year?

A. Well, he wasn't here this spring.

Q. Oh, you mean this spring?

A. Yes.

Q. You say you have that list you have referred to of those plants?

A. I have the order.

Q. Now, are you very sure in regard to those shrubs and plants that Mr. Fischer left there?

A. Yes, sir; every one was planted out there that could be used, I would swear solemnly, and even what is called a "sport;" that would be taken and planted and made a tree of. They would take one running out from the others and try to bring it to maturity.

Mr. LUNDY. — Is Mr. Radmore here? (No response.) Is Mr. Haddon here? (No response.) Both those witnesses have been summoned, Mr. Chairman, and I would like to have the Clerk of Committees, or the constable for the Clerk of Committees explain why they are not here.

Mr. MATTHEWS. — What is Mr. Radmore's name?

Mr. LUNDY. — William Radmore.

Mr. MATTHEWS. — There is a former employee of the Park Department, Mr. Chairman, by the name of Radmore working for me. I don't know whether his name is William or not.

Mr. LUNDY. — A gardener?

Mr. MATTHEWS. — Yes, sir; on the suspended list. He is now working for me in the country. I can have him here, if you want him here.

Mr. LUNDY. — Do you think he is the man?

Mr. MATTHEWS. — I don't know. He was a gardener in the Park Department, and is on the suspended list. I asked them for the best man they had on the suspended list, and they gave me Mr. Radmore's name.

Mr. LUNDY. — That is probably the man — the best man they had.

Mr. MATTHEWS. — Do you want him?

Mr. LUNDY. — I will want him later. I summoned him for to-day, Mr. Matthews.

Mr. MATTHEWS. — Well, he is not living here now, but down at Hamilton. That is the reason, probably, why he didn't come up.

Mr. LUNDY. — He was summoned, wasn't he, Mr. Dever?

Mr. DEVER. — One of the witnesses you have referred to, Mr. Haddon, has left Boston and is living in Malden. A communication was sent to him by advice of the gentleman

over here, Mr. MacCallum, to the Malden Post Office, he being addressed at the Malden Post Office. That was all the address we could get. I sent a communication to him last night to be here to-day at two o'clock. Another witness is on Cape Cod, and will not be here until Saturday; and the other gentleman who has been referred to, Mr. Radmore, is in Salem, I understand, working for Mr. Matthews. I don't know when he will be back. The summonses were served at the last places of abode, Mr. Chairman.

TESTIMONY OF PATRICK J. KANE. — *Recalled.*

Q. (By Mr. LUNDY.) You are Patrick J. Kane?
A. Yes.
Q. You have already been sworn?
A. Yes.
Q. Now, upon the subject of Ward's pond, you have already stated that you worked there?
A. Yes, sir.
Q. And you saw considerable of the rustic work taken from the bridges or culverts there and thrown into the pond?
A. Yes, sir.
Q. Now, what further do you know about that dumping or throwing of the stone into the pond?
A. Well, there is one pond, a small, little pond, about 50 feet from Ward's pond — I don't know whether you call the two Ward's pond or not — and that has been filled up, with 12 or 14 feet of filling on top of the stone, so that the stone cannot be seen now.
Q. What kind of filling was put on top of the stone in this little pond away from Ward's pond proper?
A. Gravel was put in there.
Q. Why?
A. To fill up the pond.
Q. And was the pond completely filled?
A. Yes, sir, altogether.
Q. No water there at all now?
A. No, sir. There is loam on top of it now.
Q. How much loam?
A. About two feet of loam over the whole space where the pond was.
Q. Well, when did they put that loam in there?
A. July, I guess, June or July.
Q. Well, you know that, do you?
A. Yes, sir.
Q. Has anything been planted there since June or July?
A. No, sir; nothing.

Q. Then at the present time this stone you speak of is buried at the bottom of that pond?

A. Yes, some of it.

Q. And upon that there is several feet of filling?

A. Yes, sir; maybe 10 or 12 feet.

Q. And the pond is filled, and this filling has been put in, and on the top is an average of 12 inches of loam?

A. Yes, sir; it has been levelled off — about that.

Q. About 12 inches of loam?

A. Yes, sir.

Q. (By the CHAIRMAN.) I want to ask you a few questions, in order to clear this matter up in my mind. How many ponds are there which are called "Ward's pond?"

A. Well, two ponds — only one now. There were two at that time, in June.

Q. There were two or three?

A. Two little ponds there, and one has been filled up and the other partly filled, some stone put into it Christmas. The other is altogether filled.

Q. Now, you say, there is only one pond with water in it?

A. That is all.

Q. Now, you say you were tearing stone down there from a bridge?

A. Yes, sir.

Q. Which of these ponds did that stone go into — the pond where there is water now, or the one which has been all filled in?

A. The one that has been all filled up is where the granite is.

Q. I understand from you that the stone, or alleged stone that has been thrown away, is now in the pond that has been filled?

A. Yes, sir; the best stone.

Q. And the pond with water in has no stone?

A. Yes, sir; Roxbury stone, but not the granite.

Q. The granite is in the pond which has been all filled up?

A. Yes, sir; with 12 or 14 feet of filling.

Q. And loam on top?

A. Yes, sir; levelled.

Cross-Examination.

Q. (By Mr. MATTHEWS.) Didn't you testify on the stand before that the granite was dumped into Ward's pond?

A. Well, it was all called Ward's pond — never heard it called anything else.

Q. There were three ponds — one natural pond and two artificial ponds?

A. I never saw only two. They filled one and the other is partly filled at present.

Q. Two little ponds?

A. I only saw one little pond and the big one.

Q. You mean to say that two or three years ago there were only two ponds between the wooded hill and the road?

A. I didn't work there two or three years ago, and couldn't tell you.

Q. You don't remember seeing more than two ponds?

A. That is all I can tell you about.

Q. Never saw the three?

A. Only the two.

Q. Do you know Ward's pond, the large pond there?

A. Yes.

Q. That was a natural pond, wasn't it, as far as you know?

A. Yes, sir; a big pond, and the other one, that was filled, was a small pond.

Q. And there was only one small pond there, according to your memory?

A. Only one that I saw when I went to work there?

Q. Didn't you testify the other day that the granite was dumped into Ward's pond?

A. Called the little one Ward's pond, too — both ponds.

Q. Didn't you at the hearing the other day say that that granite was dumped into Ward's pond?

A. Both ponds I called Ward's pond.

Q. Didn't you testify that the stone was dumped into Ward's pond, the day you testified here?

A. Yes, and called the little one Ward's.

Q. Why did you call that Ward's pond?

A. I never heard it called differently.

Q. That is, both ponds were called Ward's pond, as far as you know?

A. Never heard them called anything else?

Q. Never heard any special name assigned to the natural pond, the big one?

A. No, sir — only Ward's, that is all.

Q. You have heard the large one called Ward's pond?

A. Yes, sir.

Q. Don't you know that has always been known as Ward's pond?

A. That is what I heard it called — Ward's pond.

Q. And do you mean to say that you heard the little pond, the artificial pond, called Ward's pond too?

A. Yes, I certainly did.

Q. Both called the same name?

A. Yes, sir; certainly.

Q. And when you testified the other day that this alleged granite had been dumped into Ward's pond you didn't mean into the large pond, the natural pond, but into this artificial pond?

A. I meant the small one. The granite is in the small one.

Q. You didn't say so, did you?

A. I don't know as I distinctly stated which pond.

Q. You said "Ward's pond," didn't you?

A. Yes, sir.

Q. (By Alderman GERRY.) Are you sure that most of that granite went into the pond that is 14 feet below the surface?

A. Yes, sir; most of the granite.

Q. But some did go into Ward's pond?

A. Not much — I don't know as any in the big bond; but the Roxbury stone, stone from the bridges, is in the big pond — loam and everything in it.

Q. (By the CHAIRMAN.) Were there three ponds there at one time?

A. I don't remember — not last summer, the first time I worked there.

Q. You only saw two there?

A. That is all.

TESTIMONY OF JAMES B. SHEA. — *Recalled.*

Q. (By Mr. LUNDY.) Now, when we concluded yesterday, Mr. Shea, I believe we were discussing the stuff at Marine Park, and the McShane case?

A. I don't quite remember. I think we just got through the McShane case.

Q. Then, to come to Marine Park, do you know how long Mr. Weidener has been foreman there?

A. About five years, now.

Q. Well, he was appointed during your experience in the department?

A. He was.

Q. But before you were a general foreman?

A. Yes.

Q. Well, you had nothing to do with his appointment as foreman?

A. Nothing.

Q. And you knew nothing about the man except as you met him?

A. On the work.

Q. As you were general foreman. Have you ever seen Mr. Weidener under the influence of liquor?

A. No, sir.

Q. And you have seen him two or three times a week?

A. Lately I have not seen him two or three times a week.

Q. Well, say during the year 1898, did you see him as many times as that?

A. Not more than twice a month.

Q. Well, after you put Kelly on the job how many times did you see Kelly?

A. At Marine Park?

Q. Anywhere?

A. I saw him once or twice at Marine Park?

Q. Where else did you see him?

A. I saw him at Neponset.

Q. And during the time he was supposed to be at Neponset you didn't see him anywhere else, did you?

A. No, except at the park office, when I called him in.

Q. How many times did you call him in during the time he was at Marine Park?

A. I never called him into the office at Marine Park.

Q. He was in Marine Park somewhere from the last of June to the 1st of September — about that?

A. Yes.

Q. All the opportunity you had to see him then was while he was working at Marine Park?

A. Yes.

Q. You don't know anything about Kelly while he was there?

A. Nothing about him while he was there.

Q. Under whose authority was Weidener's son appointed a tallyman?

A. I understand that Weidener's son was a tallyman.

Q. You have understood since that he acted as tallyman, haven't you?

A. I have not.

Q. Do you know that Weidener's son appears on the payrolls of the department in some capacity?

A. Yes.

Q. In what capacity does he appear?

A. As a boy, messenger.

Q. And you don't know that he has ever done anything except what pertains to the duties of a messenger.

A. Except what I have testified to that I understood he filled in these blank slips.

Q. Well, as far as you know, he had no right to do that?

A. Oh, yes.

Q. Does a messenger fill in these blank slips?

A. Yes, anybody may do that.

Q. Then a messenger may do almost any duty that is not specified in the work of somebody else.

A. May do anything that the foreman calls on him to do, other than certain work that he is prohibited from doing by orders of the foreman.

Q. Then, what you mean to say to the committee is this, that a boy employed as a water boy, who is probably doing the work requiring the least intelligence of any work in your department, may be called upon to do almost any work, from tallying up to foreman. Is that so?

A. No, sir.

Q. When this man Kelly says he worked in the capacity of foreman, he lies?

A. He does.

Q. Does he lie when he says that at one time he had two men under him?

A. He does.

Q. How do you know he lies?

A. Because they weren't under him.

Q. How do you know that?

A. Because I gave the laborers my own instructions.

Q. You don't even recall the men Kelly named as working under him?

A. I don't recall that he named them. I know the two men that were there.

Q. He named one?

A. Well, I can name the men who were there.

Q. Well, he named one. You remember that? You were here.

A. I don't remember that he did.

Q. Well, he named a man named Hurley. Do you know him?

A. Yes, sir.

Q. You know who Hurley is?

A. Yes.

Q. And you swear that Hurley never worked under Kelly at Neponset?

A. I will.

Q. Why will you swear that?

A. Because he didn't.

Q. How do you know? The immediate work didn't come under you, Mr. Shea?

A. Yes, sir.

Q. Isn't it possible that the foreman would tell a man to do certain work?

A. I told Mr. Hurley to do certain work.

Q. I understand, but you place large responsibility in your foremen under you, don't you?

A. At times.

Q. Well, at all times you give them a certain leeway, don't you?

A. Certainly.

Q. And it is possible that the foreman might have put in a number of men at work to do a certain thing, isn't it?

A. The foreman might put a number of men at work to do a certain thing; yes, sir, certainly. That is his duty.

Q. Now, at Marine Park you have said that you knew nothing about the work whatever beyond what you have stated?

A. Nothing at all.

Q. And you went there about twice a month?

A. I went there about twice a month — yes, sir.

Q. And, so far as you have seen Weidener, Weidener was a man of sobriety and — well, exactness in his duties?

A. Yes, sir.

Q. And, so far as you know Mr. Abbott, he pursued his duties with the same degree of sincerity and sobriety?

A. Yes, sir.

Q. And Weidener's son you know nothing whatever about?

A. No.

Q. And Kelly you knew nothing about in that particular capacity, except what you have testified to. Is that so?

A. Yes.

Q. Do you know where Kelly went after he left Marine Park?

A. I think he went to Neponset.

Q. Don't you know he went there?

A. Yes.

Q. Wasn't it under your orders?

A. Yes, sir.

Q. Then you know it?

A. The only question in my mind was whether he first came to Franklin Park for a day or two, or not.

Q. You don't know whether he did or not?

A. I am under the impression that I sent for him to go to Neponset from South Boston.

Q. Then, you wish to say that you sent specially for Kelly, to have him taken away from South Boston?

A. Yes, sir.

Q. Did you consult with Mr. Weidener or anybody else before taking Kelly from South Boston?

A. I didn't consult with Weidener on that matter, I think — ordered him sent over.

Q. Do you know whether there was need of Kelly remaining in South Boston when you ordered him to Neponset?

A. I think there was not.

Q. Now, you ordered him to South Boston from Franklin Park because there was some active necessity for his being in South Boston?

A. Yes, sir.

Q. Now, do you say there was any active need of him in any other place, when you ordered him from South Boston to Neponset?

A. There was need of a man to check the loads at Neponset.

Q. Well, wasn't there need of the man at South Boston at the time?

A. No.

Q. You are sure of that?

A. Yes.

Q. That simplifies matters. How did you order Kelly to go to Neponset — by a direct note to him?

A. If I can remember right, I ordered him to meet me at Franklin Park, and drove him in my buggy from Franklin Park to Neponset. I may be mistaken about that; but either that, or I ordered him to go to Neponset, and as I didn't think he knew where Neponset was, I very likely took him in my buggy.

Q. Isn't your memory a little more distinct on that subject — whether or not you drove him over in the buggy, or whether he went there?

A. I say I think I drove him in the buggy.

Q. Do you remember having any conversation with him about the work when you drove in the buggy?

A. I can't recall the conversation, but of course I had some with him.

Q. None about the work?

A. Just to tell him what was going to be done.

Q. Well, he already knew that, didn't he? He had been keeping tally at South Boston?

A. He knew I was going to take in filling there. They had been taking in loam where he was before, and this work at Neponset was filling. I told him to check it up.

Q. The same way?

A. Yes, sir.

Q. You check the filling as you do the loam?

A. Yes, sir.

Q. By the load or yard?

A. By the yard.

Q. An average load contains, as you receive it, then, about two yards?

A. At Neponset? Very nearly that — yes, two yards.

Q. What were you paying at Neponset for filling?

A. About 40 cents.

Q. Then, the average team, containing about two yards, would represent about 80 cents?

A. About 80 cents.

Q. And it was at Neponset that this difficulty with McShane occurred?

A. Yes, sir. I will say here, Mr. Lundy, that most of Mr. McShane's work was done by single carts, and they didn't represent as much.

Q. And you said in your testimony the other day that about 800 checks were presented that were not good — 700 to 800?

A. Yes, 700 to 800.

Q. Now, to do justice to Mr. McShane, there were on those 800 checks, taking them as loads, 1,000 yards of filling?

A. I don't think there was as much as that.

Q. Well, there were surely 800 — he didn't deliver less than a yard in a load, did he?

A. Not much less.

Q. Then there were 1,000 yards of filling at 40 cents per yard?

A. I should say about 700 or 800.

Q. You have testified that 700 or 800 checks came in there?

A. Yes.

Q. And there wasn't at any time less than a yard represented to a check — that is, to a team — and sometimes two yards to a team.

A. I don't remember that there were two yards.

Q. Don't you remember that there was considerably more than a yard to a load in those teams?

A. No, about a yard, I should say.

Q. What do you mean by "about a yard" — less or more, or just about a yard?

A. I mean that the teams varied from 25 to 29 or 30 feet.

Q. Then, on the average they averaged more than a yard to a team, didn't they — on the average?

A. No, about a yard.

Q. Well, they averaged that, to be exact.

A. Yes.

Q. Then you would say that 700 or 800 yards were claimed by Mr. McShane that didn't belong to him, placing it exactly on the basis you have spoken of, the checks?

A. Yes.

Q. Who else was delivering loam, filling or anything, at Neponset, besides McShane?

A. Coburn and King.

Q. How much did King deliver there?

A. Well, I should say that he delivered something like 1,000 to 1,500 yards altogether.

Q. Do you recall, approximately, how many yards McShane delivered?

A. I think about 1,000 — a little over.

Q. Then King delivered more than McShane?

A. Yes.

Q. Is that so?

A. Yes.

Q. These contracts were secured by public bid, as far as you know?

A. They were not advertised. They were procured by bid.

Q. Now, how do you procure a bid when you don't advertise?

A. Well, these men came to the department and said they had filling which they would sell at a certain price, and the price was fixed at 40 cents, and they were asked to submit a proposition in writing to the superintendent, which they did.

Q. How did those men know that there was going to be any filling purchased by your department?

A. Well, I can't tell you that — any more than McShane came to Pine Bank, and heard from somebody that we were going to use filling, and he made a contract with the superintendent.

Q. Now, did Mr. James Dolan deliver any filling there?

A. No, sir.

Q. Well, you know Mr. Dolan, don't you?

A. Yes, sir.

Q. And you know that he did not deliver any filling there?

A. I know that he didn't.

Q. Well, did Coleman & Son deliver any filling there?

A. No.

Q. Were there any other contractors, aside from King and our friend McShane, who delivered stuff there?

A. Coburn.

Q. Well, he didn't deliver much, did he?

A. My impression is that he delivered more than either of the other men mentioned.

Q. But McShane is the only man with whom you had any difficulty in the matter of checks? This is so, is it?

A. No, sir; it is not.

Q. Well, did you find any trouble in the accounts submitted by Coburn?

A. Yes.

Q. Well, if you will state that — how much trouble did you have with him?

A. His accounts didn't tally with the reports which we had from the foreman, and we had a settlement with him.

Q. Well, Mr. Steinebrey was foreman there?

A. Yes.

Q. Now, how much did Mr. Coburn's accounts differ from the accounts of the Park Department at that place?

A. I cannot give you the exact figures.

Q. Well, what I mean, Mr. Shea, is were they very materially different?

A. Yes, they were.

Q. You mean in the aggregate, or the loads per day?

A. I mean in the loads per day.

Q. Well, how many loads per day should you say Mr. Coburn called for that he wasn't entitled to?

A. Well, it varied. Some days he didn't get any, and some days he got 50.

Q. Fifty what — over?

A. Fifty loads over what was due him.

Q. He got 50 loads per day over what was actually due him?

A. Yes, sir.

Q. Who gave him credit for 50 loads more than was actually due him per day?

A. I suppose the man who made out the checks.

Q. The tallyman?

A. The tallyman.

Q. You didn't blame Steinebrey for that, did you?

A. No, sir.

Q. Who did you blame?

A. Kelly.

Q. You blamed Kelly. Well, there was some other tallyman there, wasn't there?

A. Yes, there was.

Q. Who was the other man?

A. The messenger; a young man named Griffin.

Q. Did he do any receipting, any tallying?

A. He did.

Q. Now, tell the committee why you laid the universal blame for fraud upon Kelly?

A. Because at the time I was looking up Kelly I sent this young man, Griffin, over there to do the tallying.

Q. Yes. Well, he had been tallying before that, hadn't he?

A. At Neponset?

Q. Yes?

A. He tallied for about two days while Kelly was there.

Q. While Kelly was there?

A. Yes.

Q. That isn't exactly in response to the question I put before. Was there anybody else tallying at the time Kelly was tallying and Coburn put in, on an average, 50 loads more than he was entitled to per day?

A. I think there was no one tallying at that time. There was this young man writing, filling in the checks.

Q. That is whom?

A. Griffin.

Q. Now, you went to the trouble of investigating Mr. McShane?

A. I did.

Q. No question about that — and did you investigate Coburn?

A. I did.

Q. And what was the result of your investigation of Coburn?

A. That he was credited with more loads than was due him.

Q. Well, altogether, Mr. Shea — I mean approximately, of course, you don't know — how many more loads did Coburn claim than he was really entitled to?

A. I should say there were three or four hundred.

Q. Three or four hundred?

A. Yes, sir.

Q. Then as we have it now, you found yourself that McShane had claimed from 700 to 800 loads more than he was entitled to, and now you say that Coburn claimed from 300 to 400 loads more than he was entitled to. That is so, is it?

A. Yes, sir.

Q. Now did you interview Kelly on the subject of Coburn?

A. I did.

Q. And what did he say about Coburn?

A. He said a good many things.

Q. Now just give us the whole of it, Mr. Shea. What we want is the whole truth there.

A. Well, he said — before I go any further I wish to say that the tickets were put in in Coburn's name, but he was not the contractor.

Q. Who was the contractor?

A. A man named Welch.

Q. And what Welch is that?

A. Lives in Brighton.

Q. Now tell me this, before you go ahead with your explanation — how could Coburn put in tickets for work that you contracted with Welch to do?

A. The material came from Coburn.

Q. But you had some contract, did you?

A. Yes.

Q. And that was with Welch?

A. I think so.

Q. Then naturally the bill for work done under contract with Welch, would come from Welch, wouldn't it?

A. Didn't in this case.

Q. Why not in this case? It is an ordinary contract, isn't it?

A. It was understood that the tickets were to be given to Coburn.

Q. By whom was it understood?

A. Between Coburn, Welch and the Park Department.

Q. Well, who in that case represented the Park Department — Mr. Pettigrew, you, or who else?

A. I think Mr. Pettigrew.

Q. Well, as you understand it, Pettigrew, Welch and Coburn make an agreement that for work done under a contract between Welch and Coburn, Mr. Coburn was to present the bills. Is that right?

A. Yes.

Q. Now, tell us what you did on this investigation of Coburn — what Kelly said to you, when you questioned him about that?

A. I found three books, three stubs, that couldn't be accounted for.

Q. That is, you mean three books?

A. Yes.

Q. Three hundred stubs?

A. Three hundred stubs. Kelly said that young Welch, who appeared on the ground several times, —

Q. Who is young Welch, by the way?

A. The son of the contractor — had obtained these books and written them up and put them in, the same way that McShane had.

Q. Now, we have Mr. Welch's full address here, haven't we?

A. I don't know his address — out in Brighton.

Q. I think we have. Now, was this investigation you made of Coburn's or Welch's account made at the same time that you made the investigation of McShane?

A. Yes.

Q. Now, did you find any fault with the accounts submitted by the other contractor?

A. King?

Q. Yes.

A. Everything seemed to be all right there.

Q. Everything there seemed perfectly straight?

A. Yes, sir.

Q. Now, did you call on Mr. Coburn?

A. No, sir.

Q. You considered that there had been a direct attempt made to defraud the city in that case to the extent of 300 or 400 loads?

A. Yes, sir.

Q. Paying forty cents a load, and in the case of McShane, at least 700 or 800 loads, at forty cents apiece?

A. Yes, sir.

Q. And you had no interview with either McShane or Coburn. Is that so?

A. No, sir.

Q. That is not so?

A. I didn't make any attempt to interview them.

Q. But, as you said the other day, you interviewed Pettigrew?

A. Yes, sir.

Q. And stated to him the facts of the case?

A. Yes.

Q. That is all you ever heard?

A. I heard more of it.

Q. Well, did you ever hear that McShane or Coburn had been prosecuted for this?

A. No, sir.

Q. Well, at the time you laid the blame on Coburn and McShane, did you not — I mean in collusion with Kelly?

A. Yes, I supposed so.

Q. You supposed they were in it, didn't you? No question about that. Now, did you discharge Kelly at that time?

A. I gave him two days' leeway, which, I guess, he didn't take advantage of.

Q. Gave him two days to find another place. Is that so?

A. No, I gave him two days to produce evidence that he said he would produce, that McShane or some members of his family were guilty of trying to defraud the city.

Q. Now, you didn't hold Kelly responsible for that fraud, did you?

A. Why not?

Q. Well, don't ask me "Why not?" Answer the question?

A. I did.

Q. Can you conceive any manner or means by which Kelly could derive any profit from those checks going into the city?

A. Not directly.

Q. Well, indirectly?

A. Through collusion with a contractor.

Q. Then the direct fraud comes on the contractor, with whom there was a collusion?

A. Yes.

Q. Then you held some contractors responsible?

A. Yes, sir.

Q. And those contractors were Coburn and McShane?

A. Yes.

Q. Well, is it a fact, as Kelly says, that you ever gave him a letter to Steinebrey?

A. I did give him a note.

Q. Do you remember what the purport of that note was?

A. It was to keep him there two days longer.

Q. Well, he hadn't been discharged?

A. He hadn't in this way — I hadn't given him notice of discharge, but told Steinebrey that he wasn't to come back, that I was through with him.

Q. But you gave him two days more to work?

A. Yes.

Q. And how many hours a day was Kelly supposed to work?

A. Nine hours a day.

Q. And what time did you give Kelly in which to discover this evidence — the noon hour?

A. No, I didn't give him any time. He was to do it right away.

Q. Well, you supposed he was doing this business, with McShane at least, during the noon hour?

A. I did.

Q. Did you have any idea at what time he was constructing this fraud with Coburn?

A. No.

Q. You don't recall the substance of your letter to Steinebrey, do you?

A. Not the exact words.

Q. Is Steinebrey still in the employ of the department?

A. Yes.

Q. He is working at the present time?

A. Yes.

Q. Have you seen Kelly since that time at all?

A. In the court room — I mean, here in the aldermanic chamber.

Q. I mean, aside from here?

A. No.

Q. Do you know of his looking for you?

A. Yes.

Q. Who told you he was looking for you?

A. I was told by Timson, Mr. Timson.

Q. Yes.

A. The clerk at Pine Bank — was told that he had called up on the telephone, called me and called Mr. Pettigrew, wanted us to call him up.

Q. Call him up where?

A. (Examining memorandum book.) It was a telephone number which I found came from B. Spinoza's cigar store, tobacco store, on Washington street.

Q. That is enough. Why did you take down or note that number, Mr. Shea?

A. I didn't note it.

Q. Well, Mr. Timson noted it?

A. Yes.

Q. But you paid some attention to it?

A. No, sir; not at that time.

Q. Well, you took that number?

A. I did not.

Q. When did you take the number?

A. I never took it, sir.

Q. How did you find that it came from Spinoza's?

A. I took pains afterwards to find out what that telephone number was.

Q. Well, upon whose information did you discover that that telephone number was Spinoza's?

A. The information of the telephone operator.

Q. I know, but Mr. Timson told you, didn't he?

A. No, sir — yes, he did.

Q. He left a memorandum of the number?

A. He left a memorandum of the number.

Q. Now, you didn't intend to have any conversation with Kelly, did you?

A. No, sir.

Q. And you took that just for the purpose of the investigation — there is no question about that, is there?

A. Brought it in, yes.

Q. That is what I mean.

A. That, of course, won't be evidence in my case, as this is a copy of one that was left at my desk, which was destroyed. This is taken from the one left for Mr. Pettigrew — the same thing was left on his desk.

Mr. LUNDY. — I will put that in. (See Exhibit 22, at close of day's hearing.)

Q. And that is practically a copy of what you received?

A. Yes, sir.

Q. Mr. Timson makes such a note upon all telephone calls received?

A. Yes, sir.

Q. Now, you didn't make any effort to communicate with Kelly at all?

A. No.

Q. Didn't know what he had to say to you?

A. No.

Q. Whether he wanted a position?

A. No.

Q. Or whether he wanted to talk on personal matters?

A. No.

Q. Didn't pay any further attention to him?

A. No, sir.

Q. But you did take enough interest in that telephone call to find out from what place it came?

A. Not at that time.

Q. Well, subsequently?

A. Yes.

Q. When, subsequently?

A. The day after Kelly testified here that he never called up myself or Mr. Pettigrew on the telephone.

Q. He didn't say that, did he?

A. I understood it so.

Q. I understood that he didn't. But, still, that is not material. The day he testified about the telephone — go ahead?

A. I asked at the office for the slip which was written off for me. That had been destroyed.

Q. And you got this one of Mr. Pettigrew's?

A. I asked them to look on Mr. Pettigrew's desk, to see if this slip was there.

Q. Do you know whether there were two calls or one?

A. Only one.

Q. Then he asked for either Mr. Shea or Mr. Pettigrew?

A. Yes.

Q. Well, is it customary to make out a slip for everybody who is asked for as an alternative?

A. Yes.

Q. And if he asked for Mr. Shea, and you were not there, and for Mr. Pettigrew, they would make out the same kind of a slip for both?

A. Yes.

Q. And if he asked for Smith or Jones, it would be the same?

A. You understand that we each have a desk, and the slips are put on the desk.

Q. I understand, yes. That closes with Kelly.

A. He also came Saturday, which he testified to himself.

Q. You don't take any part at all, do you, in the matter of making contracts for loam or filling?

A. There are no contracts, as a rule, for loam.

Q. Well, there are agreements, aren't there, Mr. Shea?

A. No written agreements, no.

Q. How do the agreements run, then? If a man is to deliver eighteen thousand cubic yards of loam at a certain place, how is that agreement made?

A. That is special. I was talking about the general practice.

Q. That contract with the Eichorns would be special, would it?

A. Yes, sir.

Q. Usually contract with the man who supplies the filling verbally or orally?

A. Verbally, yes, sir.

Q. Do you recall how the contract was made with McShane?

A. I think that was a written contract?

Q. What makes you think that was a written contract?

A. Because the Park Department had no money, no funds with which to pay for filling at the time. McShane knew, in some way, that filling was needed, and was willing to wait for the money until an appropriation should be made, and took chances on having such an appropriation made.

Q. Now, how often do the contractors who supply loam or filling to your department receive their pay?

A. Once a month, as a rule.

Q. Well, would they receive it any oftener if they had a written contract?

A. I mean when they don't have a written contract they receive it once a month.

Q. Where they don't?

A. Where they don't.

Q. And when there is no money appropriated?

A. Oh, no.

Q. Now, speaking, Mr. Shea, of the instances where there was no money appropriated for loam and where a man took his chances and made an oral contract with the Commission to supply loam —

A. That is the only instance I know of.

Q. When did he receive his pay, if you know?

A. Quite awhile afterwards, — I think the spring of 1899, sometime.

Q. I mean, did he get his payments monthly?

A. No, got it in a lump sum.

Q. And had to wait until the job was concluded?

A. Until the money was appropriated.

Q. And in McShane's case you remember that there was some litigation?

A. There was.

Q. In which Mr. Moran — John B. I suppose, — appeared for Mr. McShane?

A. Yes.

Q. And you don't know whether the case was tried or not?

A. It was not tried.

Q. Well, you know your evidence was not required at all? You had nothing to do with it?

A. No, I wasn't called at the immediate time.

Q. Well, called at some time?

A. Yes, sir.

Q. Well, did you at the time when you were called state the circumstances as you have stated them to us?

A. I did.

Q. Mr. Shea, do you recall any time when you instructed Kelly, or any other boy in charge of the tally sheets, to give credit to McShane for 30 loads of filling that he had not delivered, or about which there was a question?

A. Not as to 30 loads.

Q. Well, as to any particular number of loads?

A. 25 loads, I believe.

Q. 25 loads?

A. Yes.

Q. Well, then, do I understand your attitude correctly when I say that at one time you instructed Kelly — Kelly was the boy?

A. Yes.

Q. To give credit to McShane for 25 loads of loam — filling, rather, — which he had not delivered, or about which there was some question?

A. You do not state it correctly.

Q. Now, if you will state it correctly, Mr. Shea?

A. I told Kelly to make out checks for twenty-five loads of filling, delivered out in Neponset the day before he arrived there.

Q. The day before Kelly arrived there?

A. Yes, sir.

Q. You asked him to make out checks?

A. Yes.

Q. Crediting McShane with 25 loads of loam?

A. Yes.

Q. Do you recall what name or initials Kelly put at the bottom of the checks?

A. His own, I suppose.

Q. He would have a right to do that, would he?

A. He would under my direction.

Q. Then you stood responsible for these twenty-five loads of loam?

A. Yes.

Q. Who had been in charge the day before Kelly arrived?

A. James Hurley, a laborer.

Q. What became of him there?

A. He was still there.

Q. Was he there when you asked Kelly to make out the checks for those loads of loam?

A. He was.

Q. Now, Mr. Shea, who put in the time for the laborers at Neponset?

A. I did.

Q. Well, I know, but you didn't at the same time put in the time for the men at Marine Park, did you?

A. No.

Q. Why did you for the men at Neponset?

A. Because they were under my immediate supervision.

Q. I know, but is there any distinct department of the Park Department under your immediate supervision?

A. Oh, yes.

Q. You had a foreman there at Neponset?

A. No, not at that time.

Q. Steinebrey wasn't there?
A. No.
Q. Wasn't Kelly acting as foreman?
A. No.
Q. You were acting, yourself?
A. Yes.
Q. Spent the entire day there?
A. No.
Q. Then you couldn't carry out the duties of an ordinary foreman, could you?
A. Yes.
Q. Without being there?
A. Yes.
Q. You could?
A. Yes.
Q. Well, if you had a man under you, Mr. Shea, who did that, would you consider him an efficient foreman?
A. Can't very well supply a foreman for each laborer.
Q. Well, you had more than one laborer there?
A. When I first started in I didn't have but one.
Q. Well, had two at the time I am speaking of?
A. Yes, sir.
Q. Those two men, the two men that Kelly claims in his gang?
A. He might claim it.
Q. He claims that he was foreman — you heard that?
A. Yes, sir.
Q. Claims that he had a gang of two under him?
A. Yes, sir.
Q. Isn't that the time he claims that he was foreman of the gang, when you say you acted as foreman?
A. I am not responsible for his claims.
Q. I know, but at that time there were two laborers there?
A. Yes, sir.
Q. And Kelly was there at that time?
A. Yes, sir.
Q. And you say at that time that you put in the time for those men?
A. Yes, sir.
Q. Practically foreman for that district, as well as general foreman for the department?
A. Yes, sir.
Q. Isn't that the time you understand that Kelly claims that he was foreman of those two men?
A. Yes.

Q. Kelly never put in bills for services as foreman, did he, that you know of?

A. Never sent them to me.

Q. Do you know whether or not he sent them to the department?

A. I never heard of any.

Q. Do you know of Mr. Pettigrew ever offering a position to Kelly at Pine Bank?

A. No.

Q. Do you know yourself of ever offering a position to Kelly at Pine Bank?

A. No.

Q. At the time you concluded this investigation of Kelly, McShane and Coburn, you had decided that you wanted to get through with Kelly?

A. Yes.

Q. That is a fact, that you didn't want any more of him, did you?

A. No.

Q. Then you didn't at the time give him any letter to Steinebrey to keep him there permanently?

A. No.

Q. And Steinebrey will say that?

A. Yes.

Q. Do you know this man Meany that they have spoken of?

A. No.

Q. You don't know anything about him? Don't know any of the individual contractors' names, aside from King, Coburn and McShane, and you really don't know them — but, as a fact, I mean aside from those men, you don't know any individual contractors?

A. You mean who worked for the department?

Q. Yes.

A. Oh, I know quite a few of them.

Q. Well, do you know Meany?

A. No.

Q. Do you know Colburn?

A. Colburn? No.

Q. Now, isn't a man with you named Henry Brady, a tally man? Do you know him?

A. Yes.

Q. A humpbacked fellow?

A. Yes.

Q. Where is he working now?

A. He is not working with the department.

Q. Was up to the time of the suspension, wasn't he?
A. Yes.
Q. Do you know where he was working at that time?
A. He was working at Franklin Park.
Q. You know contractors named Whitmore?
A. Yes.
Q. And whether or not you know that they were delivering loam at the place where Brady was tallying?
A. Yes, I think they were.
Q. Do you know anything about the loads of loam they dumped there?
A. Yes.
Q. Well, when were they dumping it? Between what dates, I mean?
A. Well, all through the year 1899.
Q. That would take in, I suppose, from the spring until the fall?
A. From the spring until the late fall.
Q. And who was there, do you know, with Brady tallying, receiving the loads?
A. With him? You mean, besides him?
Q. Yes, besides him.
A. Keilty.
Q. As tally man — who else?
A. A man named McNulty, at Jamaica Pond.
Q. What one was that?
A. Michael McNulty.
Q. Is he sub-foreman?
A. He is classed as a watchman.
Q. Well, is he a relation of the sub-foreman named McNulty?
A. Is he a relation? He is a brother of the sub-foreman named McNulty, now suspended.
Q. Well, is this tally man McNulty suspended?
A. No.
Q. He is not?
A. No.
Q. Then, this man the loads were received from there, Whitmore, is now working?
A. Yes.
Q. And Brady, the other tally man, is suspended?
A. Yes.
Q. Do you know anything about the filling or loam supplied at Wood Island Park?
A. No.
Q. Within the last three years?
A. No.

Q. Do you know whether or not any loam has been supplied there in that time, or any filling, for the last three or four years?

A. I don't know of any.

Q. Well, wouldn't you know, if any had been?

A. Well, no, I wouldn't be likely to know. If any great amount was delivered, I should know.

Q. You would know that?

A. Yes.

Q. Then, no great amount has been delivered there at all?

A. I don't think so.

Q. Do you know of any material improvement that has taken place over there for the last three or four years?

A. I know a great many walks have been laid out and loam piles spread upon the ground.

Q. Upon the ground?

A. Yes.

Q. How do you know that?

A. I have seen the piles at various times, and then I have seen, noticed the plantation, after it has been spread around there.

Q. And the plantation, the laying of that loam, appeared to you to be regular?

A. Yes.

Q. Nothing irregular about that at all. Now, did you take part in the building of the road around Peter's Hill?

A. Yes.

Q. You have heard the testimony given here in regard to that?

A. I did not. I wasn't present that day.

Q. Well, whether or not you know it has been stated that yourself, Mr. Pettigrew, Mr. Putnam and one Mr. Murphy, had taken part in the building of that road? Do you know that?

A. Yes, I know that in a general way.

Q. Well, do you know under whose plans it was started out to build that road?

A. Yes.

Q. Whose were they?

A. Under Mr. Pettigrew's plans.

Q. Originally?

A. The plans, of course, were drawn by the engineer.

Q. And who was the engineer?

A. Mr. Putnam, under Mr. Pettigrew's supervision.

Q. Well, you know that Mr. Pettigrew never directly supervised any of the plans of Mr. Putnam, don't you?

A. He doesn't supervise them?

Q. He may be responsible for them, but you know, as a matter of fact, that he doesn't supervise the drawing of the plans, don't you?

A. I think he does.

Q. Haven't you stated in your own case that Mr. Pettigrew simply gave you a rough idea of that plan, and that you carried out his ideas?

A. Yes, in some things.

Q. Have you any reason to suppose, in this case of building the road around Peter's Hill, that Mr. Pettigrew did any more than he would ordinarily do with you?

A. No more than he would do with me.

Q. Then you don't know whether or not Mr. Pettigrew gave any definite plans, do you?

A. No, I couldn't testify to that.

Q. But you do know the road was started by building under the direction of Mr. Putnam, under the plan of Mr. Putnam?

A. Yes.

Q. And do you know what kind of a road that was going to be, or was supposed to be?

A. Yes.

Q. Telford road, wasn't it?

A. No.

Q. What kind of a road?

A. It was to be a macadam road.

Q. Now, do you recall Mr. Pettigrew stepping in and making any suggestions contrary to the plan of Mr. Putnam at any time while they were building that road?

A. No.

Q. Never?

A. I know that the plan was changed.

Q. I mean as far as Mr. Pettigrew goes. I will come to the other changes.

A. Well, I thought I was going to give it to you in that way.

Q. Yes, go ahead; give it in that way.

A. Coming down to Fairview street, where there is quite a steep grade and a curve, there was some change made in the line of the road. The road was located this way first, and after looking at it on the ground they changed their plan so as to take it around in a little different way.

Q. Well, who did that — Mr. Pettigrew?

A. Mr. Pettigrew and Mr. Putnam.

Q. Well, you made some suggestions, didn't you?

A. As to that? I did not.

Q. As to the grade of that road?

A. At Fairview street I didn't make any suggestions.

Q. Never mind Fairview street. That road around Peter's Hill you made some suggestions about, didn't you?

A. Yes.

Q. Where?

A. At the northwesterly slope.

Q. By the way, how far was that from this Fairview street?

A. About 400 or 500 yards.

Q. Go ahead?

A. At the northerly slope I suggested to Mr. Pettigrew to raise the grade, so as to economize on work.

Q. Yes — it would make just as good a road, I suppose?

A. Just as good. That was done.

Q. That was done?

A. Yes.

Q. Now, do you recall that Mr. Murphy came into the scheme of building that road at all?

A. Why, Mr. Murphy was the engineer in charge. He certainly came into it — engineer in charge of that particular work.

Q. I understand that, but did the engineer in charge, being in this particular case Mr. Murphy, have anything to say about it?

A. To obey Mr. Putnam's instructions.

Q. And Mr. Putnam took suggestions of yourself and Mr. Pettigrew. That is so, is it?

A. He accepted them, yes.

Q. Who accepted them?

A. Mr. Putnam.

Q. Well, would have to, wouldn't he, would have to take Mr. Shea's and Mr. Pettigrew's suggestions?

A. I think you look on it in the wrong way, Mr. Lundy.

Q. I am not looking at it.

A. Mr. Putnam, as a servant of the city, would understand just as well as Mr. Pettigrew or I did that it was necessary to economize on work.

Q. Yes, but suppose Mr. Putnam realized all these things, if he received there direct instructions from either yourself or Mr. Pettigrew, he would probably take them, wouldn't he, whether there was any economy involved or not?

A. Well, he probably would take Mr. Pettigrew's instruction.

Q. Now, your salary is what, Mr. Shea?

A. $5 per day.

Q. And are you allowed the use of a horse and team?

A. Yes.

Q. That horse and team is at your disposal at all times during the year?

A. Yes.

Q. Do you recall any time during the last year when you have used any other conveyance for your work about the park?

A. On one or two occasions I have used my bicycle.

Q. Well, that wouldn't involve any expense to the city — I mean, do you recall using a carriage at all?

A. In the parks?

Q. Yes.

A. No.

Q. Or in your work around the park system? All you have used is the buggy assigned to you by the department and your bicycle?

A. Yes.

Q. And that is all you know about conveyances?

A. Yes.

Q. You have already testified, Mr. Shea, I believe, that you have made it a point to assign the men to positions convenient to them — that is, near their homes — all things being equal, I mean — the men doing the work?

A. I haven't made it a point to, but I have done so.

Q. You have done it?

A. Yes.

Q. Now, do you recall any cases where you have sent men to points somewhat remote from their homes?

A. Oh, yes.

Q. Well, do you recall any time when you have sent them to points remote from their homes when you could have sent men who lived near to the work?

A. Not very often — have sometimes.

Q. Well, was that a matter of necessity?

A. In the interest of the work of the department.

Q. You mean cases of individual skill or integrity or ability of some particular man?

A. Sometimes that, or sometimes it was necessary to transpose a gang from one work to another which was far removed from the homes of some of the men in that gang.

Q. You mean by that the transportation of an entire gang?

A. Yes.

Q. Then, you mean that at times it is necessary to take the gang and send them somewhere as a gang?

A. Yes.

Q. When the gang has a certain value?

A. Yes.

Q. Now, upon the matter of measurements, Mr. Shea, to get back to that for an instant, what was the rule of the department when you came there in regard to measuring loam?

A. The loam was brought in — I speak now of the loam at Franklin Park, with which I had more to do. That loam was bought by the load.

Q. It might be a yard or two yards?

A. They are supposed to have a double load there — a double load is supposed to contain forty feet, and they were supposed to have at least forty feet. The loads were tested to see whether they had that amount.

Q. Well, that system of receiving and checking the loam has changed somewhat materially since you have been general foreman, hasn't it?

A. Yes.

Q. Now, who instituted that change?

A. Well, Mr. Pettigrew made a great many valuable suggestions in that line.

Q. Now, take some of Mr. Pettigrew's valuable suggestions — for instance, on the matter of receiving the loam, what valuable suggestion did Mr. Pettigrew offer?

A. He suggested that each load should be measured, to get the cubic contents.

Q. Yes?

A. And that the — well, I don't know that there were any other material changes in the matter.

Q. Well, then, from the time you have begun to work in the department until the present, so far as you are connected with that particular kind of work, the system of measurements has been the same?

A. Practically the same.

Q. Don't you consider that it is the proper thing to put a man to work to measure those loads of loam as you receive them? Isn't that an important item?

A. Yes.

Q. That really doesn't rest upon you, anyway, does it? That is, you don't assign men to measure the loam — or don't rather, follow out this system, when you assign men to measure the loam?

A. Yes, I do.

Q. Well, you have authority from Mr. Pettigrew to assign certain people to work?

A. Yes.

Q. Then, everything you have done so far you have done with the full authority of your superintendent, Mr. Pettigrew?

A. Yes, sir.

Q. And when you assigned a man like Kelly, Carty or Griffin, that is all in line with the ideas of Mr. Pettigrew?

A. Mr. Pettigrew had no suggestion to make on the appointment of those men.

Q. Well, there weren't any of these men — Carty, Griffin or Kelly — of age, were there?

A. Well, I can't say about that.

Q. I mean, twenty-one years old?

A. No.

Q. And young Weidener of South Boston wasn t?

A. No.

Q. And you know all four of these men were doing the work of measuring and receiving?

A. Yes.

Q. Was that done in compliance with your ideas or Mr. Pettigrew's?

A. In compliance with my ideas.

Q. Then you stand responsible for that?

A. Yes.

Q. Do you know a young man named Maguire?

A. Yes.

Q. Well, the one I mean is a boy occupying some position in the office of the department. What do you know about Maguire? I mean, his experience with the department?

A. He has worked there a long while.

Q. Is he still there?

A. No.

Q. Well, was there any trouble with Maguire?

A. He was suspended.

Q. Well, he was suspended before these other laborers were, wasn't he?

A. About the same time.

Q. Well, he wasn't suspended for the same reason, was he?

A. No.

Q. Well, now for what reason was Maguire suspended?

A. Do you want me to give what I know or what I have learned?

Q. Well, what you actually know now, Mr. Shea?

A. Well, I don't wish to decline.

Q. Only what you know, Mr. Shea.

A. Then I will have to say I don't know of my own mind anything about it. I don't say that as unwilling to give testimony.

Q. I understand that — only want to know what you actually know. You don't know anything about how Maguire quitted the department, what the circumstances were?

A. Not of my own knowledge.

Q. That is what I meant — of your own knowledge.

Q. Now, do you know a young man named Donnelly?

A. Yes.

Q. What did Donnelly do? Larry Donnelly is the man I mean, isn't he?

A. Yes, sir; formerly water boy for one of the foremen.

Q. Do you know when Donnelly quitted the department?

A. Yes, he quit about the first of March.

Q. Of last year?

A. Of this year.

Q. Of this year. Well, do you recall any time when he was not working for a period of several weeks?

A. I beg pardon — am wrong there. He quit earlier in the year — sometime in December.

Q. Of last year?

A. Yes, sir; and may be earlier than that still.

Q. Well, the latter part of last year — that is what you mean to say?

A. Yes.

Q. Now, do you know personally of anybody drawing money on Donnelly's name after he had quit the department?

A. Not personally.

Q. You don't know that?

A. No.

Q. Do you know a boy named O'Connor?

A. I don't recall any such boy.

Q. As working in the department at all — Mr. O'Connor?

A. Oh, yes, I do, yes.

Q. What did he do?

A. He was a messenger.

Q. Where?

A. At Jamaica Park.

Q. How long was he on the pay roll?

A. About a year.

Q. Well, is he now suspended?

A. Yes.

Q. Or did he leave?

A. He was suspended.

Q, At the time of the general suspension?

A. Yes.

Q. Well, who got O'Connor his position?

A. I did.

Q. How long have you known O'Connor?

A. Well, I have known him for at least ten years.

Q. For some time?

A. Yes.

Q. Do you know anything about the system of drawing for numbers among the contractors — for teams and for loads?

A. I never was present at one of the drawings.

Q. Well, do you know whether or not any such system exists?

A. Yes.

Q. And what is that system?

A. Well, the Park Commissioners, some time in the early spring, advertised in the papers that they are prepared to receive proposals from teamsters who wish to work for the department.

Q. Yes.

A. Their applications are taken, and then the work after that I don't know much about. I know that it is merely a system of numbers, or names, rather, being put into a box, or something of the sort. I couldn't tell the exact system — I never have seen it. I know that each takes a number which is chosen for them by somebody connected with the department.

Q. Well, the main idea in that is to avoid difficulty, isn't it — that the contractors may get a fair share of the work, or, at least, to remove the Commissioners from some difficulty in picking men?

A. Yes.

Q. Now, do you recall any men who have taken part in that proceeding who have received a great deal less than other contractors, in your experience?

A. You mean, that get less work?

Q. A great deal less work than it might be reasonably supposed they would get under that system?

A. Well, I know that we have teams under that system that will come one year, and then the next year there may be a change — they may not come around. Some of them are not fortunate.

Q. You mean some of the same contractors may not come in at all?

A. Yes.

Q. But under that system, and taking the same contractors, isn't it a fact that one or two contractors will have a larger — in fact, the largest — part of the work to do?

A. Not that I know of, sir.

Q. Well, who had the most to do at Neponset?

A. At Neponset?

Q. King, wasn't it?

A. I don't understand you. I don't know that King ever worked for us.

Q. Didn't work at Neponset at all?

A. Except to haul filling.

Q. Who had the greater part of the work at Neponset, say during the last year?

A. Well, there wasn't any work for teams at Neponset.

Q. Well, there was work at Franklin Park, wasn't there?

A. Yes.

Q. Well, who did the greater part of it there?

A. Well, I couldn't answer it now.

Q. Well, some man did more than another man, didn't he?

A. I can't say they did.

Q. You say, then, that the work was about equally divided?

A. Well, no, some people didn't get any.

Q. Well, I mean among those who did get some?

A. The work of those who had teams on the work was evenly divided.

Q. About evenly divided?

A. Yes.

Q. And it would surprise you some if the report of the Commissioners or anybody else should show otherwise?

A. Yes.

Q. Do you know a man by the name of Noone?

A. Yes.

Q. What did Mr. Noone do at the park system?

A. He hauled loam.

Q. Well, how much of it? Do you know?

A. Well, I couldn't say. He would come in at various times when he had loam to dispose of, and he might have three or four teams and he might have a great many more.

Q. Well, what did he do? Act as a loam pedler, or have a special contract?

A. Well, general contractor, and when he had loam come to the department and asked if we had use for it, and if we had we took it.

Q. Well, who decided in that case, when you wanted loam, whether you would take his loam?

A. The foreman on the work had general instructions, in most cases, to take loam from anybody who brought it in, if the loam was good.

Q. That holds generally good in any part of the Park Department?

A. Except on Marine Park, where they had a general contract — of course, couldn't take from everybody, when the contract was given to one.

Q. In that case, if the foremen thought they needed more loam than the 18,000 yards furnished by the contract, they were not authorized to take it — whether they needed it or not?

A. Not in that case.

Q. But in all other cases they have been authorized to do so, for the past few years?

A. Where the foremen knew that loam was needed, that loam was wanted.

Q. Now, how long did Mr. Noone continue to supply loam to your department?

A. At various times within two years.

Q. Do you recall any transfer of his account to the name of anybody else?

A. Well, I heard something about his brother drawing his money, or some relative.

Q. Don't you know that his cousin drew his money?

A. I don't know.

Q. Personally you don't know that?

A. No.

Q. But you heard it was a brother?

A. A man of the same name — I supposed it was a brother. I don't know them.

Q. Well, what difference would that make, Mr. Shea — not to ask you what you know about this particular family, but what difference would that make in the accounts of the department, whether Lundy drew it or Lundy's cousin?

A. I don't know that it would make any difference.

Q. No difference at all. Now, Mr. Shea, was it your habit, or did you at any time carry loam books in your pocket — I mean receipted books?

A. Not my habit, no.

Q. Well, perhaps I put that wrong. I meant to ask you not whether it was your habit, but did you at any time carry loam books in your pocket, or checks for loam?

A. I have carried a loam book in my pocket.

Q. And isn't it a fact that you have given checks for loam to certain contractors?

A. I don't think so.

Q. Now, would you swear that you have not given checks to contractors and afterwards given the stub book to a Mr. MacCallum?

A. Not for loam.

Q. Well, for filling, gravel or anything?

A. The only case I recollect of giving any checks was for some sand delivered at Billings Field.

Q. And does that conform at all to my question, that at that time you carried certain checks or books in your pocket, and after certain receipts had been given you returned the stub book to Mr. MacCallum?

A. Such a thing is possible, yes.

Q. Well, isn't it a fact that you did give a book to Mr. MacCallum after certain slips had been taken out of it which had been given as receipts for certain loam — or filling, I mean, gravel?

A. I think it was, yes.

Cross-Examination.

Q. (By Mr. MATTHEWS.) Did you learn at any time that this boy Kelly had a criminal record?

A. I did.

Q. When did you first hear of that fact?

A. I can't say whether it was the day before I interviewed him at Pine Bank on the McShane matter, or the day after.

Q. It was just a day or so before he ceased his connection with the department?

A. Yes.

Q. Did Kelly tell you then, or at any time, that he had received money from McShane or any other contractor?

A. He did, at the interview at Pine Bank.

Q. What did he tell you?

A. He told me that at one time McShane had given him two dollars and at another time another sum of money, which I didn't remember, but which I think was just as he testified the other day, five dollars

Q. The McShane matter and the Coburn matter were referred by you to your superiors, were they not?

A. They were.

Q. Do you know what subsequent action was taken in those two cases?

A. I know that the bills were presented for the amount which they thought they were going to receive. But they didn't receive that amount. They were cut down considerably.

Q. In both cases?

A. In both cases.

Q. (By Alderman GERRY.) I would like to ask Mr. Shea how long he has worked for the department?

A. About nine years.

Q. What experience have you had as foreman for instance? How many years have you been general foreman?

A. I have only had the appointment as general foreman for about three years, but under the former administration I did work similar in character.

Q. Well, for how many years?

A. Not for any number of years — for only a part of the year before Mr. Pettigrew had charge of the department.

Q. Well, perhaps five years.

A. No, only a part of one year before Mr. Pettigrew came there.

Q. Then four years would cover your time, would it?

A. Yes.

Q. Do you think that makes you an expert in all these things?

A. I didn't consider myself an expert, Doctor.

Q. I say, do you consider yourself an expert in all these things?

A. I think the value of an expert comes from the opinion of others more than the opinion he may form of himself.

Q. Still, you consider yourself posted enough so that you can criticise other men, don't you?

A. Yes, sir.

Q. Whether they are architects, landscape-gardeners, laborers, teamsters, water boys, sub-foremen or foremen?

A. I wouldn't attempt to criticise a landscape-gardener or an architect.

Q. Well, would you undertake to criticise a foreman?

A. Yes, sir.

Q. You criticised Mr. Jeffery the other day, did you not?

A. Yes, sir.

Q. Do you know how many years Mr. Jeffery has worked in the parks?

A. Yes, sir.

Q. How many years?

A. Something like twenty years.

Q. He was a pretty poor foreman, wasn't he?

A. I said we had better.

Q. Oh, said that you had better?

A. Yes.

Q. Well, under whose direction, or, rather, under whose administration did Mr. Jeffery work for twenty years?

A. Under the administration of Mr. Howe.

Q. All the time?

A. Yes, sir.

Q. Then Mr. Howe wasn't very much of a judge of foremen?

A. I think he was.

Q. He was?

A. Yes.

Q. You think he was as good a judge as yourself?

A. I think better.

Q. Well, do you pretend to say that you can judge of Mr. Jeffery's capabilities, after four years' experience, and call him a poor foreman?

A. You are mistaken, Doctor. I didn't call him a poor foreman.

Q. You said you had better?

A. Yes.

Q. Is there any foreman on the list now, or within the last three years, that has worked twenty years for the Park Department of the city of Boston, to your knowledge?

A. Not that I recall.

Q. Then all these men that were keeping Mr. Jeffery — Mr. Olmsted, Mr. Howe, the gentleman you have mentioned and so forth — their judgment wasn't, in your judgment, very good, when they kept Mr. Jeffery so long?

A. I didn't say so.

Q. Well, didn't that come into your mind? You say that Mr. Jeffery isn't as good as some foremen that you have?

A. Yes.

Q. Wasn't he as good as any foreman you have got left?

A. No, he was not.

Q. Well, how many have you left, please?

A. We have some nine. I think I have seven or eight foremen left.

Q. Well, are they all equally good in your opinion?

A. They are not.

Q. Well, was he as good as the poorest you have left?

A. I think he was.

Q. Well, was he as good as the next poorest?

A. Yes.

Q. Well, would you say he was as good as the third poorest?

A. I would class him about there.

Q. Class him about there?

A. Yes.

Q. And that is an intimation that in your opinion — of course, it is a matter af opinion, — they have been keeping an inferior foreman for twenty years, all these experts in the profession? Isn't that so? Of course, you have a right to your opinion.

A. Yes.

Q. That is all I care to say about that part of it. Now, you say you have nothing to do with this matter of drawing tickets, etc.?

A. I have nothing to do with it.

Q. Who does, please?

A. It is done in the Park Commissioners' office. I don't know who has anything to do with it.

Q. And you don't know what numbers are drawn—who draws 1 or who draws 60, do you?

A. Nothing at all.

Q. Well, who does know that?

A. Well, Mr. Clarke, or any of the clerks under whom this work is done.

Q. Well, you always had the idea that this thing was done fairly, in fairness to all the men, did you?

A. Yes.

Q. And you always thought that the man that got No. 1 got the first chance for the first load, or something like that, have you?

A. Yes.

Q. And then from No. 1 up to No. 20, according as the numbers were drawn, and so on?

A. Yes.

Q. And you have always thought that the man who drew No. 21 or No. 31 wouldn't come in ahead of some one who got No. 15, we will say, or No. 17? In other words, that there was no favoritism in the Park Department?

A. Not in the drawing of numbers.

Q. Not in the drawing of numbers, but in the use of those numbers after they were drawn?

A. No.

Q. Now, has it ever come to your knowledge—I will change that question. Who had a right to draw those numbers?

A. The Park Commissioners delegated their authority to someone in their employ.

Q. No, I mean what citizens, what teamsters, men who owned these teams, had the right to draw? For instance, would I have the right to go in there and draw?

A. I don't know—any man who was qualified.

Q. What constitutes a right to go in there and draw? Do you know?

A. A man who has teams and can show a tax bill.

Q. Oh, that is it. You know that much, that he has got to have a tax bill?

A. Yes.

Q. Then I would have a right to draw?

A. If you are taxed for a team.

Q. That is, if I had a team?

A. Yes.

Q. Now, did it ever occur to you that there was a system of barter going on in that business?

A. I have heard of that, sir.

Q. You have heard of it?

A. Yes.

Q. Not only have heard of it one year, but two years?

A. I have heard of it, yes.

Q. Heard of it three years?

A. Yes, sir.

Q. And have heard of it every year, ever since you have known anything about it?

A. Yes, sir.

Q. Now, what was that barter? Please describe your knowledge of the barter?

A. I don't know any more than that, several years, the Park Commission, I know, has requests from teamsters stating that men have been allowed to draw for numbers and that they didn't possess the teams, but that they sold those numbers to contractors.

Q. Well, to your knowledge, what did the Park Department do about that part of it?

A. They had several hearings, which I cannot testify to, because I wasn't there.

Q. Then you know nothing about that of your own individual knowledge?

A. No, sir.

Q. But you do know that there was a sort of business out there, that anybody who could be assessed for a team would go there, and that a good many of those men drew numbers and sold their privilege? You knew that, didn't you?

A. I don't know that, I heard it.

Q. Well, you heard it; it was reported all over the place?

A. Yes, sir.

Q. And you knew enough about it, probably, to know that it was so? Didn't you really know it to be a fact?

A. As you have stated it.

Q. And you knew that year after year that was done?

A. Yes.

Q. Was it stopped?

A. Not that I know of.

Q. These hearings — what did they amount to?

A. I wasn't present at the hearings, and don't know what was testified to. Don't know what conversation was had with the Park Commissioners in relation to the matter.

Q. Who in the Park Department would know that?

A. The records, I suppose, would show it.

Q. Let me ask another question, please. Who would know about the suspicion or intimation that there were certain men who were drawing these numbers and selling them? Would Mr. Clarke?

A. I don't know that Mr. Clarke would know that any more than myself. Probably not as much. Probably he would not have heard as much talk about the matter as I have.

Q. Well, you have heard talk about the matter there, often?

A. I have heard it in the same way as you have heard it.

Q. How many dollars was that franchise worth, for instance, on a team?

A. I don't know.

Q. You never heard whether it was worth $1 or $500?

A. No, sir.

Q. Who would know it? Anybody connected with the department?

A. I don't know how they would know it.

Q. You know that system was gotten up in order to be fair, don't you?

A. Yes, sir.

Q. And you also state that you knew there was something about it that was not fair?

A. I have heard so.

Q. Now, to the best of your knowledge and belief, do you know that any decided effort was made by the Park Commissioners, or their office clerks, book-keepers or anybody, to put a stop to that?

A. I never heard that they tried, any more than what was done at those hearings that I speak of.

Q. In other words, that thing was allowed to go on, and the man who honestly had a team there, we will say, sometimes got his dues, and sometimes didn't. In other words, the Park Commissioners didn't care one way or the other how the thing went, after they got through with the drawing? Is that the idea?

A. The principal thing the Park Commissioners looked to was to have a good team.

Q. Oh, to have a good team?

A. That is, I mean to say — I misstate that. I mean to say that my duties were to see that the team was all right.

Q. Then, it wouldn't make any difference whether a man drew No. 1 or No. 100, if he had a good team he would be liable to have it put to work immediately?

A. Well, a man who had a good team took his chances on the drawing with the man who had a poor one.

Q. Well, don't you know that the people out there, the men who own these teams, soon find that out, and really bring better teams, knowing that it was your rule to throw them out to the advantage of somebody else if they didn't have a good team?

A. They got in the habit of sending good teams.

Q. Well, then, they practically all had good teams, didn't they?

A. Yes.

Q. But after all this suspicion of injustice to honest men — I will not say honest, will not use that expression, but men who expected justice from the department — there was no effort made to straighten the thing out as it should be?

A. I wouldn't say that, Doctor.

Q. You don't know of any, haven't heard of any? Wouldn't you have heard, in your position?

A. Yes, I would be likely to.

Q. Yes, of course. Practically you would have known if there had been, wouldn't you, honestly?

A. Yes.

Q. Because you felt confident, as I do, that there was a great deal of abuse in that particular direction?

A. Well, I don't want to put it as "abuse." I don't think the Park Commissioners were —

Q. Wasn't it an abuse of a man if the man who went up there, owning a team, on the chance of getting a chance for the team in connection with the work of the Park Department, drew No. 17, we will say, for instance, and was no better off than the man who drew No. 75? Wasn't that an injustice to him? In other words, wasn't there favoritism, to come right down to it, Mr. Shea, — favoritism to certain men, as against certain other men who did not get their just dues?

A. I have been unable to see anything of the kind in my administration.

Q. Still, you allow that there was an injustice, and you say that there was no effort made by the servants of the Park Department to eradicate it?

Mr. MATTHEWS. — I object to that. The witness has stated exactly the contrary. He has not said that there was no effort made by the Park Department to correct it, but he has said on the contrary, that the Park Commissioners

investigated the matter and gave hearings. What was said there, he has said he didn't know. He has not said that they didn't do anything, but has stated the contrary.

Alderman GERRY. — May I ask him a question?

Mr. MATTHEWS. — I don't object to your asking him questions, but I do object to your putting into his mouth what he hasn't said.

Alderman GERRY. — He doesn't need to answer, if he does not wish to do so. He can refuse to answer.

Mr. MATTHEWS. — He does not wish to refuse to answer any proper question. But your last question assumed that he said something which is the exact contrary of what he did say.

The CHAIRMAN. — The witness said that he discovered no wrong doings during his administration, as I understand it, in regard to teams.

The WITNESS. — I discovered no favoritism.

Q. (By Alderman GERRY.) But, still, you do say that you heard of these rumors?

A. Yes.

Q, And you say also that, as far as you know, it has never been stopped, eradicated?

A. I have already testified that there was at least one, and I think more, hearings at the Park Commissioners' office, and I think that they tried to hedge their rules around by such requirements as would keep out many of these people — the people that you refer to, who didn't have teams, but who wanted to sell them to others. But it seems that the requirements they asked on the part of those who applied for teams were not enough to keep them out. They got in, in some way or another; that is, they had the same rights to apply as anybody else had.

Alderman GERRY. — Well, that is all I care to ask on that point.

Q. (By the CHAIRMAN.) How many drawings do they have — lottery drawings — a year, for teams?

A. Once a year.

Q. All the teams, then, that you hire, that are engaged during that year, are drawn at one time?

A. Yes.

Q. How many teams did you have on in 1899?

A. Well, at various times we had up to 100 teams.

Q. Up to 100 teams?

A. Yes.

Q. How many of those teams were from South Boston?

A. I couldn't tell without looking at the records.

Q. Were they any?

A. I have an idea that there was one.

Q. One?

A. Yes — no, one working at Franklin Park, besides what teams were used at South Boston.

Q. How many teams there from Charlestown?

A. Very few.

Q. Were they any?

Q. Well, there weren't so many applications from Charlestown or South Boston. They may have had some work over in that district in which they hired teams from Charlestown — very little work, though.

Q. How many teams from East Boston?

A. Well, very little work done there with any teams.

Q. Were there any applications from those sections of the city?

A. I couldn't tell, sir.

Q. There were a great many from Jamaica Plain, weren't there, from West Roxbury?

A. We are blessed with a lot of teams out in Jamaica Plain.

Q. About 95 per cent. of your teams — or, I will put it 98 per cent. — come from West Roxbury or Jamaica Plain, don't they?

A. I think you are mistaken. I think the greater part of them come from Dorchester, Roxbury and Jamaica Plain — probably more from Jamaica Plain than either of the other two sections, but there are many teams from both Roxbury and Dorchester.

Q. Well, is this the case, Mr. Shea, that a contractor would apply personally, make an application himself, and then send probably thirty or forty others in there to make a similar application in somebody else's name?

A. Well, I wouldn't want to say that, sir, of my own knowledge.

Q. What I mean is, the men who have lots of teams will send in a great number of names, in order to be sure to draw some, and would have a greater advantage than one person, who sent in a name for one team?

A. Well, I think that was done, but I don't know as I could give any testimony on that, because I don't know that they did it. I have heard that it was done.

Q. Did everybody produce a tax bill with their application?

A. I understand so. I never have received any of these applications or had anything to do with them in any way.

Q. I ask you this, — Do you know that ten or fifteen teams out of one stable have been drawn from that lottery?

A. I never heard that.

Q. You don't know that?

A. I don't know it. I don't know where they are drawn from.

Q. I understood you to say there was one Coburn and one McShane, — one who delivered 700 or 800 loads and the other 300 or 400 loads, or at least they were credited with them, to which they were not entitled?

A. Yes.

Q. That is your testimony?

A. Yes.

Q. Which of these had the 700 or 800?

A. McShane.

Q. Then Coburn must have had 300 or 400?

A. Yes.

Q. Was this loam, gravel or filling?

A. This was filling.

Q. How much money would that amount to?

A. Well, the 700 checks, I should think, would average about forty cents apiece; the 300 checks of Coburn's would average more than that because they were larger teams — averaged from 1½ yards to 2 yards — say 60 to 65 cents.

Q. (By Mr. LUNDY.) I beg pardon — this is Coburn, not Coleman?

A. Coburn, yes.

Q. (By the CHAIRMAN.) And how much would the 300 or 400 loads cost?

A. The 300 loads would be worth about $300 — about 66 cents a load, I should say, rough figuring.

Q. Do you know that the department ever tried to recover on these?

A. They didn't pay the money.

Q. What?

A. They didn't pay this money.

Q. Then the city has not paid that money?

A. It has not.

Q. But they made the application to get the money, didn't they?

A. Yes, and bills were sent in.

Q. Did the department ever investigate that particular thing or attempt to prosecute?

A. I won't say whether they attempted to prosecute or not, as I don't know.

Q. You don't know that of your own information or knowledge?

A. I don't know that they attempted to prosecute. I want to say that the evidence wasn't clear on this matter, and it was for that reason that I wanted to get this book, which I sent with the Kelly boy. I had no direct evidence that anything had been done wrong. I suspected that it was wrong.

Q. Did the bills, the applications for this money, go into the Auditor's office for payment?

A. No, they didn't.

Q. Where did the application go for the money?

A. To the Park Commissioners.

Q. They sent their bills in for so much money?

A. Yes.

Q. And the Park Commissioners were satisfied that the loam or filling was never delivered?

A. They were.

Q. Then, I ask you, did they ever make any attempt to prosecute?

A. I don't think they did, but I can't answer for them.

Q. You don't think they did?

Mr. MATTHEWS. — I think the Corporation Counsel can answer that question. He is the prosecuting officer of the city.

The CHAIRMAN. — I am getting at the point whether that was good management, allowing people to apply for money that did not belong to them.

Mr. MATTHEWS. — I think you might ask the witness the question whether he knows the matter was referred to the Law Department of the city.

Q. (By the CHAIRMAN.) Was it referred to the Law Department?

A. I couldn't say, but I think so.

Q. It was?

A. I think so.

Q. Do you know whether or not they made a reply to the Commissioners in regard to it?

A. Well, I think that testimony on that point will come better from one who knows the circumstances.

Q. And you don't know them yourself?

A. No.

Q. Who is the foreman you have had at Jamaica Pond?

A. We had last year several foremen working out there.

Q. Have you got anybody there now?

A. At Jamaica Pond, no. We have only a gardener, who cares for the grounds.

Q. Well, who was the last foreman you had there?

A. The last foreman we had there was Foreman Edgeworth.

Q. Did you have anybody acting as foreman before that or since Foreman Edgeworth was there?

A. Perhaps, Mr. Chairman, you don't understand that our foremen are moved about, according to the place where we have the most work going on, and that a foreman may be in Frankin Park one week, finishing up some work, and then may go to Jamaica Pond and take up something else.

Q. What I want to get at is the last foreman you had at Jamaica Pond, acting as foreman.

A. Well, I could give you all the foremen I had there last fall. We had Foremen Edgeworth, McNulty and Kelly — I think that was all we had at work there last year.

Q. What was Foreman Edgeworth's pay?

A. $3.25 per day.

Q. What was McNulty's?

A. $2.75.

Q. And the other foreman?

A. $3.25.

Q. Did they have a civil service rating?

A. McNulty does not. He is not regularly employed as foreman. When we have a great deal of work going on and it is necessary to split up into gangs, we give him a gang to carry on work. But his ordinary duties are those of a watchman in care of a certain section of the park, with a couple of men under him to care for the roads.

Q. I will just ask you one more question, Mr. Shea, and that is all. Would you care to state to the committee now positively where you claim your residence to be?

A. I claim a residence on Perkins street, in Boston.

Q. Is that your legal residence?

A. That is my legal residence.

Q. Where is your home?

A. I live at High street, in Brookline.

Q. You are a married man, of course?

A. I am.

Q. Then you have two residences?

A. Yes, sir.

Q. A political residence and a home?

A. I suppose I have to put it that way, Mr. Chairman.

Q. (By Mr. MATTHEWS.) Are you on the voting list in Boston?

A. Yes, sir.

Q. No objection ever made?

A. No objection made.

A. (By Alderman GERRY.) What time of the year, Mr. Shea, do you live in Boston — or what time did you live last year in Boston?

A. About the first of May.

Q. About the first of May?

A. Yes.

Q. (By Mr. MATTHEWS.) Just one question, Mr. Shea, about the barter of these teams. Do you know when this system of drawing teams by lottery was first started?

A. Previous to my connection with the department, in 1891.

Q. Do you know who the Commissioners were?

A. Well, you mean at the time when this system was adopted?

Q. Yes.

A. No.

Q. You don't know of your own knowledge?

A. No.

Q. It was prior to the time when you became connected with the department?

A. It was.

Q. You say, if I understood you correctly, that these complaints about the sale of the numbers drawn in the lottery had been drawn to the attention of the Park Commissioners?

A. Well, I won't say that they had complaints about the sale, but there was a complaint that men who weren't regularly in the contracting business had applied for numbers and had drawn them — such men as pedlers or stable keepers, or other men who might have teams, and the contractors claimed that it was an injustice to them. They made these claims to the Park Commissioners, and the Commissioners felt, as I understood it — I am not now speaking for them, only giving my understanding of it, — that they could not, with that system, keep these men out.

Q. Well, you understand that the Park Commissioners gave a hearing on the subject?

A. Yes.

Q. One or more. In regard to the complaints that you brought to the Commissioners concerning the McShane and Coburn matters, did I understand you to say you understood that they were referred to the Law Department?

A. Well, I understood so, Mr. Matthews, but I may be mistaken about that.

Q. You don't know anything about it?

A. I don't know anything about it.

Q. Do you know whether Mr. Howe ever complained of Mr. Jeffery as foreman — Mr. Howe, the engineer?

A. Never complained to me.

Re-direct Examination.

Q. (By Mr. LUNDY.) Do you know a man named McDonald, Mr. Shea?

A. I do, a great many — if you will put that a little more definitely?

Q. Well, I didn't mean to be so general as that, but I mean, who has had any teams at work for the Park Department?

A. Yes, there is a McDonald who has a team working for the Park Department. I don't know whether it is at work now or not.

Q. Well, whether or not you know a man named McDonald who had a team which in reality belonged to or was credited to, James W. Dolan?

A. I think that he had.

Q. You think, then, that Mr. McDonald had a team working that was credited to Dolan?

A. Yes.

Q. Now, where did you get that information? What makes you think that?

A. Because the teamster had driven teams before that were working for Dolan.

Q. Well, you noticed that particularly, did you?

A. Yes.

Q. Did you ever make any inquiry into that condition?

A. No, I did not.

Q. Now, don't you know, Mr. Shea, as a matter of fact, that Mr. Dolan had from three to five teams working there under the names of other men?

A. No, I don't know that.

Q. Well, cannot you think of two or three that were working there under other names that really belonged to Dolan, or for which he received profit?

A. No.

Q. Then you recall only the single team?

A. Yes.

Q. Of McDonald?

A. Yes.

Q. Now, McShane used to get blank check books at the office at Pine Bank, didn't he, for his work at Neponset?

A. No.

Q. You didn't know that he ever received blank books there?

A. No.

Q. Well, who did get those books that McShane made out or his wife made out, or that Kelly or somebody made out to Mr. McShane's credit?

A. Well, Kelly got them.

Q. Well, don't you restrict your boys when they get books over there?

A. In what way?

Q. Do you mean to say to the committee that a tally boy or foreman can go over to Pine Bank and get as many of those stub books as he wishes?

A. No, gives his receipt for the number of books he takes, and then those numbers are taken, and then they know what becomes of the books, who they are charged to.

Q. Then if Kelly got twelve books altogether, that could not be filled legitimately, wouldn't that strike you, or wouldn't it strike the man giving out the books, as remarkable?

A. It would be something out of the ordinary.

Q. When he got those — say those eight books — he must have got a great many more for the ordinary purposes of his business, must he not?

A. I don't understand that?

Q. I say, when he got those eight books, those eight surplus books, you know, he must have gotten some books that were for the ordinary course of the business?

A. No, he might get a dozen books at one time.

Q. Yes, but if he came the day after that, or two days after that, again, it would naturally strike Mr. Timson, or whoever happened to be in charge, as a remarkable request if he asked for an equal number then?

A. Yes.

Q. How many laborers have you got working in the Park Department, or did you have in 1899?

A. We had very nearly 400.

Q. That is, you mean 400, getting $2 a day?

A. Yes.

Q. What was the average time those men made, taking the twelve months?

A. Well, from the first of April until the first of January they made full time. There was very little broken time — might be a day or so during the summer, a day that was very wet, for instance, that they couldn't work, but during the summer, when it was warm, unless it is an exceedingly wet day, the men are allowed to work, if they care to do so.

Q. Do you think they made on an average four days a week?

A. I should say ordinarily more than four days — between four and five — that is, taking it the year round. Of course, you understand that, from the first of January until the weather opens in April, we haven't kept them on full time for a number of years.

Q. How do you divide your men — have so many under the construction appropriation and so many under the maintenance appropriation?

A. Yes.

Q. How do you divide them up?

A. The maintenance men at this season of the year of course are not so great in number as they would be later on. We have enough men to take care of the roads and drives now, and of the buildings, and also to do a little cleaning up. Later on, in the season, we have to increase that force, for the cutting of grass and a few other things. So that while along in the winter months we might have regularly only sixty or eighty men on maintenance, in the middle of summer we would have more than twice that number.

Q. For instance, if the construction money ran out, would you take some of your men and put them into the maintenance fund?

A. Well, no, not to make a habit of that, Mr. Chairman, I don't know of any time when that has been done. A man may be working on construction one year and on maintenance another year, but the chances favor a man who is working on maintenance being kept there, he being accustomed to the duties required of him.

Q. Then it is not true, if the pay-rolls are properly gone over, — it is not true, then, that they don't make on an average over three days a week?

A. I should say that they make between four and five days.

Q. It wouldn't be true if it was brought out that they made only three days a week?

A. I should be very much surprised.

Q. For a great number of the men?

A. I should be very much surprised to see anything of that kind.

Q. How many men are employed now?

A. About 130.

Q. They are all working under the maintenance appropriation, are they not?

A. No, some of them are working on the construction work, planting, which has just started in.

Q. Tell me how many men you have employed now who live in South Boston?

A. I think we have something like ten or a dozen.

Q. Out of more than one hundred people that you have got employed?

A. Yes, about that number.

Q. Ten or a dozen?

A. Yes.

Q. There are some sixty or seventy men in South Boston in your department, aren't there?

A. You mean including the suspended men?

Q. I am counting them?

A. The number of men who have been kept in the department bears a certain ratio in each district to the total number of men, and the ratio is about the same in the different districts. You understand what I mean? In making our suspensions, we consider that all sections of the city should be represented, and the percentage of men kept in Roxbury, for instance, and South Boston is practically the same.

Q. Do you mean to say that there are as many men to-day on your pay-rolls — working, laboring men — in South Boston as in Jamaica Plain?

A. In proportion to the total number of men on our rolls at the time of the suspension.

Q. And the same proportion would apply to every section of the city, would it?

A. The same proportion; yes, sir.

Q. Do you recall an instance in 1898 where a suspension occurred, and every man in South Boston was suspended, nobody kept there but Roxbury and Jamaica Plain people?

A. Well, I do remember that the Chairman of this committee called up about that matter.

Q. You recall the time when there was a special meeting of the Board, don't you?

A. Yes, sir.

Q. That was rectified at that time?

A. That was changed in this way — the Commissioners before this time had a feeling that it was perhaps better to divide the work up among the men, and that was done. They got about one week in four, if I remember right.

Q. It all simply goes to show that, in the system of carrying out the employment bureau of the Park Department, there might be a little improvement in regard to the keeping of men in the different parts of the city?

A. Well, I have testified that the ratio is the same in the different sections at present.

Q. Just one more question, and I am through with you forever — on this matter in particular: Is it so that a man

can make application for ten teams, or can he have the privilege of drawing only for one team?

A. One team.

Q. One man can make a drawing for only one team — that is your belief in the matter?

A. Yes.

Q. Is that so?

A. That is all he can apply for.

Q. One team?

A. Yes.

Q. (By Alderman DAY.) I would like to ask how many men of those 130 are working in East Boston now?

A. I think there are four or five men at work in East Boston.

Q. And some of them don't live in East Boston?

A. I couldn't say as to that — I don't know. I think they live in the neighborhood close to that. I want to say, if it is any information to the committee, that I have found in my connection with the department that the men who come to work there and have been employed for a great length of time move to the southerly end of the city. Even if they have lived down here for quite a length of time, they move to Roxbury, Dorchester or Jamaica Plain, for the reason that they are nearer their work. That, of course, is natural.

Q. If only four or five men are working there, don't you think it is only fair not to suspend East Boston men?

A. Well, if East Boston got its proportionate part of the men that were kept, I think that she would, of course, have to have some men suspended.

Q. Well, if there are only four or five men there for East Boston, out of the 130?

A. Well, perhaps the four or five would be more than East Boston was entitled to out of the total that she had.

Q. Why hasn't she got more?

A. Well, the Park Commissioners don't select their men. They get them from the Civil Service. We cannot say "we want an East Boston man or a Dorchester man," or anything of that kind.

Q. I know, but when you come to suspend men, if you have only a half dozen men, say, from East Boston out of the 400, you could keep those East Boston men?

A. I thought I had answered that. I stated that if half a dozen men was a larger proportion than East Boston was entitled to, of course we would have to have men go there from other places. That is, if East Boston got her proportionate part, and that part amounted to only four, then we

would have to bring in two men from some part of the city proper to fill up the six required at East Boston.

Alderman DAY. — Well, it seems to me it would be better to keep the East Boston men. That is all.

Q. (By the CHAIRMAN.) How many men from Ward 19 are now working in your department?

A. I cannot tell you. We don't get them by wards, and know them only by general locations — Roxbury, Dorchester or Jamaica Plain.

Q. How many men from Ward 19 are on your regular force?

A. I could't tell that, sir. I know a great proportion, the largest proportion of our men, the largest number of men, come from Roxbury, taking it as a section. That is, there are more men employed in the department that live in Roxbury than that live in either Jamaica Plain or Dorchester.

Q. Then the suspension might have affected men from Ward 19 working there?

A. It might have for all I know.

Q. Might have affected a large number there, might all be affected, suspended, while 50 or 60 might be employed from some other ward?

A. That is true.

Q. Then, don't you call that discriminating a little?

A. Well, discriminating, you mean, against wards or against sections.

Q. Against labor in general in different parts of the city? One part is entitled to labor as well as another?

A. Well, we don't keep them by wards, but by sections.

Q. I know, but the man from Charlestown, isn't he entitled to work in your department as well as the man from Jamaica Plain?

A. Certainly.

Q. Why should discrimination come in, if any exists?

A. I haven't seen any.

Q. Well, supposing that there were men working in your department from Ward 19 and there are now none at all. while some other wards might have fifty or sixty, what would you call that?

A. Well, I have already said, Mr. Chairman, that if a man lives in Roxbury he is credited to that district, but not to any ward. Of course there are two or three wards in the Roxbury section, and it might so happen for all I know, that in picking out certain men in Roxbury, none of those men lived in Ward 19. It would not necessarily follow that we had discriminated against that ward, though — that is, it wasn't intentional.

Q. How many men have you in Weidener's gang, employed at Marine Park?

A. There are about five, I think.

Q. How many South Boston men there?

A. I think they are all South Boston men.

Q. The whole of them?

A. I understood so.

Q. You don't know that for a fact?

A. Yes, I think they are.

Q. All South Boston men?

A. Yes, I am quite certain that they are all South Boston men.

Re-cross Examination.

Q. (By Mr. MATTHEWS.) Mr. Shea, you cannot call upon the Civil Service Commissioners for men from any specified section of the city, can you?

A. No, sir.

Q. You cannot select East Boston men, South Boston men or Dorchester men?

A. Can't make any selections. If we call for ten men, they give us twenty names to select from, and in all cases in which I have had anything to do with the department the twenty names have been sent for and the men examined, and then we took ten, and then if we thought we wanted more than ten the Commissioners gave us the opportunity of taking a few more of that number. But the total number of names sent to us by the Civil Service have all appeared before the Superintendent or myself and been personally examined. That is to say, we didn't take the number which we are entitled to and send for those only. We sent for the entire number.

Q. What was the date of this South Boston episode that the chairman asked you about? Do you remember?

A. I think that was about the spring of 1897, wasn't it, Mr. Chairman?

The CHAIRMAN. — In 1898, wasn't it?

The WITNESS. — 1898; yes.

Alderman DAY. — I don't think that Mr. Matthews quite understood what I meant. What I pointed out was that there were five or six men employed now —

Mr. MATTHEWS. — Oh, my question did not have any reference to yours at all. It was another point altogether.

Q. (By Mr. LUNDY.) As a matter of fact, Mr. Shea, notwithstanding the Civil Service appointments and the assignment of your men generally, you have stated that you do

assign men in East Boston who live in East Boston, so far as you can?

A. Yes.

Q. That is, you locate men as near to their work as it is convenient for the department and convenient for the men?

A. Yes.

Q. Your idea is to meet their desires as far as possible?

A. Yes, where it don't conflict.

Q. That is, where it is consistent with the rules of the department and its best interests?

A. Yes.

Q. Will you make it a point to have here at the next hearing those particular check stubs upon which you questioned Kelly?

A. Yes, sir.

Q. That is, those relating to the McShane affair?

A. Yes, sir.

TESTIMONY OF RABAN V. KNUEPFER. — *Recalled.*

Q. (By Mr. LUNDY.) Now, Mr. Knuepfer, do you remember when Mr. Pettigrew came into the Park Department?

A. It was in the winter of 1897.

Q. Did you work at all under Mr. Pettigrew?

A. I was working from that time when he started until the 15th of January the next year — about one year.

Q. Did you take any part in the destruction of trees under the direction of Mr. Pettigrew?

A. Yes; some time in the spring — I think it was about the middle of April.

Q. Of what year?

A. 1897, entirely; nothing but 1897. I was detailed with a gang of ten or twelve men to go out the Riverway and cut down all the willows that were axe-marked. I think I had to cut down as many as 150.

Q. Yes?

A. At other places, again, where vines were planted, we had to weed the vines out, honeysuckles and roses, with hoes and rakes — I should say not by the hundred, but nearer by the thousand.

Q. But, aside from the training honeysuckle and roses, what else did you destroy in the way of plants of value?

A. Shrubs. Quite a number; especially flowering shrubs.

Q. Do you know why you destroyed those shrubs?

A. I understood Mr. Dawson to say the leading idea was to make the Boston side of the park conform with the Brookline side.

Q. The idea was to make the Boston side of the park system coincide with the Brookline side of the country there?

A. Yes, sir; that is what I was given to understand.

Q. There is no part of the Boston Park system that lies on the Brookline side?

A. The riverway is the dividing line.

Q. And do you know whose land lies on the other side of the Park system there?

A. Well, pretty near all along, it belongs to the town of Brookline.

Q. It belongs to the town of Brookline?

A. Yes, sir.

Q. Now, what else did you do under Mr. Pettigrew?

A. Well, when these willows were cut out and shrubs and vines which were designated to me by Mr. Dawson as having to be removed, we got new shrubbery, and got the plants of the shrubs from Brookline.

Q. You got part of the shrubs which were put down in place of those that you took up from Brookline?

A. Yes, sir. Mr. Sheehan had marked some of the shrubs, and I had to go with a team and some men to look up all the shrubs that he had marked, and bring them over to the Boston side and plant them there.

Q. Were those shrubs bought or given by the town of Brookline?

A. As I understood Mr. Sheehan to say, it was a kind of swapping thing.

Q. What did they swap?

A. I don't know. Some might have come from the nursery in Franklin Park — I couldn't say as to that.

Q. What else did you do under Mr. Pettigrew?

A. Well, during the summer I had to maintain the plantations, and in the fall I was transferred to Franklin Park to cut down trees — large trees — cedars, junipers, evergreens.

Q. Now, do you recall anything else that you did, Mr. Knuepfer?

A. I had to do regular construction work, like making trenches, for instance, near Jamaica Pond, which were placed across a twenty-foot gravel sidewalk, and we filled it up with loam.

Q. Now, did you take part in any other destruction work?

A. I should consider that I had destroyed more single-handed in Franklin Park, in the Wilderness, than ten men could possibly plant in a whole year.

Q. In Franklin Park, what was the quality of the plants which you destroyed?

A. Before the city election I was ordered to thin the woods out, and to take out all the trees that were marked with an axe. Some of the finest trees, in my estimation, were marked with the axe, and the younger ones left. After the city election I was sent up into the Wilderness to cut out almost every evergreen that was there.

Q. What you mean to say is this, that prior to a certain city election, the city election in 1897, you were ordered to go into that plantation and cut out all the trees that were marked?

A. Exactly.

Q. And those trees were healthy, well developed, well matured and well grown trees? Is that it?

A. I should say not all the trees. There was some undergrowth and thin ones, but quite a number of well developed, fine grown specimens — sometimes a foot thick.

Q. And after the city election was held, you were instructed to go up into the Wilderness and cut down the smaller trees?

A. No; they were not exactly small trees. I cut down some arbor vitæ, quite a number, that had been standing ever since Franklin Park was planted.

Q. Well, you were cutting down a different kind of tree then, altogether, weren't you?

A. Yes; only evergreens then.

Q. And doing entirely different work from that to which you were assigned before election day?

A. Not entirely different.

Q. But you didn't have the gang of men with you?

A. No; I was alone.

Q. You were entirely alone?

A. Yes, sir.

Q. But before election day, you had a large number of men?

A. I had ten or twelve men with me.

Cross-Examination.

Q. (By Mr. MATTHEWS.) Did I understand you to say that during your entire connection with the Park Department you had been cutting trees in Franklin Park?

A. Did I what?

Q. What did you say about always cutting trees at Franklin Park?

A. I didn't say always. I said from the time in the fall or early in the winter when I was transferred from the Riverway out to Franklin Park, it was almost nothing but cutting out trees.

Q. How long have you been connected with the department?

A. Since July, 1887, until the 15th of January, 1898.

Q. Were you ever assigned to tree cutting in Franklin Park before this time in 1897?

A. Ever worked there?

Q. Ever worked there cutting trees?

A. No; never.

Q. Do you know that trees were cut there during all the time of your connection with the department?

A. No; never heard of it, except when there was a tree partly rotten; but that was always a single specimen.

Q. You didn't know that they cleared out whole acres of trees between 1883 and 1890?

A. When?

Q. Between 1883 and 1890, you don't know that they cleared out vast quantities of trees?

A. No; I don't. I spent my time in Charlestown and Charlestown Heights at that time.

Q. (By the CHAIRMAN.) Did you say that you at times cut down a great many valuable, live trees — trees that you thought were valuable to the city?

A. Yes, sir; and good specimens — evergreens. They were not, in the sense that Mr. Matthews asked here before, native trees. I wish to go back to that. Whether these catalpa trees were natives of Massachusetts or not is, I presume, what the question was; but those that I took reference to must be native, because we raised them in the nursery from seeds. In that sense of the word, they were natives.

Q. Where were these trees that you say were valuable trees, and which were cut down — in Franklin Park?

A. Yes, sir.

Q. How many years did you say you were doing that?

A. Oh, in Franklin Park, it was under Mr. Pettigrew some months in the spring and some in the winter.

Q. How many years altogether?

A. About six months, altogether.

Q. Six months of one year?

A. Yes, sir.

Q. How many trees do you think that you cut down that were very valuable in your judgment?

A. That I and my men cut down?

Q. Yes?

A. I should say it was — four or five hundred would not be enough.

Q. Four or five hundred?

A. Yes, of course they were light in size; but, as far as the quality goes, the evergreens would never grow very large, and still be quite old.

Q. Do you know the value of those trees?

A. Well, among the deciduous trees there were maples that I could duplicate for from twenty-five to thirty cents, and from them there were all the way to a seven or eight-year old tree, or a tree of the retinospora variety, that was worth over fifty.

Q. Fifty cents apiece?

A. No, fifty dollars.

Q. Did you say that there were over five hundred of those cut down?

A. No.

Q. How many of those?

A. At least two hundred of those.

Q. At fifty dollars apiece?

A. Oh, no; they were not all the same size. Some of them were smaller.

Q. How many should you say you had cut down that were worth fifty dollars apiece?

A. Dozens of them were that size.

Q. And the rest of them were worth how much?

A. All the way down to about one dollar. The cheapest of the evergreens were worth one dollar.

Q. All the way down to one dollar?

A. Yes, sir. I had amongst other things instructions for saving some Norway maples. I don't exactly remember whether it was a day or a day and a half that it took us to get sufficient trees to fill a space from here up to the wall filled in in rows three feet apart. The average expense for saving those trees was about ten cents. The same trees could not be bought for less than thirty-five and fifty cents in any nursery. He said that it didn't pay — that we should chop them all down.

Q. Were there any trees planted in the immediate vicinity where you cut those down?

A. I understood there were some planted afterwards.

Q. You don't know that?

A. I don't know. I know of one spot where another gentleman, the late Mr. Whelan, had to cut down some twenty odd Norway maples, fifty or sixty feet high, down between Morton street and Forest Hills street. He and his gang of

men had to work overtime to cut out the roots, because the next morning the men would be around to look at it.

Q. Did you cover the stumps of these trees up in any way?

A. I had to cut them down so low that no stump was seen. The team called every day to get the evergreens for burning.

Q. (By Mr. MATTHEWS.) Where were these fifty dollar trees, and what were they?

A. Mostly retinosporas.

Q. Foreign trees?

A. Yes; the most of them were foreign, but they were all raised here.

Q. Come from Japan, don't they?

A. Some of them do.

Q. Not particularly hardy?

A. They are hardy. There are some of them alive there to-day.

Q. Are you sure of it?

A. Well, yes, because I asked Mr. Dawson's permission to save a few of them, and I took a few home, and Mr. Matthews can convince himself whether they grow in my garden or not. It is only a mile from there.

Q. You think those were worth fifty dollars apiece?

A. Some of them. There were specimens that were elegant.

Q. Where did you get that price from?

A. Well, I calculate the length of time it took to raise them, and care for them, and the increase in value of the trees, the same as I would consider an apple or a shade tree increasing in value from year to year.

Q. That is the way you figure it out?

A. I think that is the most sensible way.

Q. Well, that is your way?

A. Yes, sir.

Q. You don't know of any nurseryman that sells retinosporas for fifty dollars apiece, do you?

A. Perhaps I do.

Q. Well, where?

A. I know one, that he told me he sold several for that price.

Q. Where?

A. Out to Sharon.

Q. What is his name?

A. Smith.

Q. A nurseryman?

A. A dealer in plants.

Q. What is his full name?

A. William — but I don't remember the middle name.

Q. What is his address?

A. I don't know exactly — Sharon.

Q. William Smith, Sharon?

A. Yes, sir.

Q. Now, you say that the roots had to be covered up?

A. I had to cut them so low that the roots wouldn't show.

Q. Don't you know that is done in every park system in the world?

A. When they cut a tree out.

Q. Every park system in the world does the same thing, so far as you know?

A. Yes; if they want to remove the trees; certainly.

Q. That is, they take the roots out and cover up the space?

A. Well, in some cases we took the roots out.

Q. But they follow that same method everywhere else?

A. Most decidedly they will, if they take the trees out.

Mr. MATTHEWS. — That is all.

The CHAIRMAN. — The hearing stands adjourned to two o'clock to-morrow afternoon.

EXHIBIT NO. 21.

CITY OF BOSTON,

BOARD OF PARK COMMISSIONERS,

JAMAICA PARK, March 1, 1898.

Mr. R. VICTOR KNUPFER,
Roslindale, Mass.

DEAR SIR: The Board has received and considered your letter of February 23d. The Board holds the Superintendent responsible for the work of the department and, therefore, gives him the control of the working force. We have given careful consideration to the subject of your letters, and we feel that we should not be justified in overruling Mr. Pettigrew's action.

After the very full presentation of your case by your letters, a personal hearing would not be of any assistance to you or to ourselves.

Yours truly,

CHARLES E. STRATTON,
Chairman.

EXHIBIT NO. 22.

PARK DEPARTMENT,

Telephone Memorandum.

Mr. J. A. PETTIGREW, March 14, 1900.

A call was received at 12.45 P.M. o'clock to-day from

Mr. WILLIAM KELLY,

Telephone No. 1194 Tremont St.

Please call,

Received by G. W. TIMSON.

EIGHTH DAY.

CITY HALL, March 29, 1900.

The committee met in the aldermanic chamber, City Hall, at 2 o'clock P.M., Chairman NORRIS presiding, and all the members of the committee present.

Appearances. — Same as before.

The CHAIRMAN. — The committee will please come to order and the counsel will proceed.

TESTIMONY OF JOHN MCSHANE.

Q. (By Mr. LUNDY.) Your full name, Mr. McShane?

A. John McShane.

Q. Where do you live, Mr. McShane?

A. Neponset.

Q. What part of Neponset — what street and number?

A. On Coffey street.

Q. And your business is that of a contractor?

A. Yes, sir.

Q. And during yonr experience as contractor, you have done some work for the Park Department, have you not?

A. Yes.

Q. For how many years have you furnished labor or material to the Park Department?

A. Oh, I never furnished no stuff to the Park Department only once, about a couple of months.

Q. That was during the year 1897 or 1898?

A. Yes, sir.

Q. In which year?

A. It was last year or the year before.

Q. Well, 1898, wasn't it? (No response.)

Mr. LUNDY. — 1898, wasn't it, Mr. Shea?

Mr. SHEA. — 1898.

Q. Did you have a special contract for supplying filling at Neponset?

A. Yes.

Q. How did you start in to supply filling there?

A. I sold some 600 yards to Mr. Pettigrew for filling in Neponset Park.

Q. 600 yards?

A. Yes; at the start off.

Q. Did you do your business directly with Mr. Pettigrew?

A. Yes, I sold the stuff to him.

Q. Who was the first man in the Park Department you had a conversation with on the subject of selling the Park Department filling?

A. Mr. Pettigrew.

Q. And do you remember in what month you had that conversation?

A. I don't. I think it was in the spring of the year, along about April or March — the latter part of March.

Q. Do you recall how long after that you started to deliver the loam?

A. Two or three weeks, I think.

Q. It was filling, wasn't it?

A. Filling; yes.

Q. What was your price for filling?

A. Sixty-five cents a yard.

Q. That is what you proposed to Mr. Pettigrew?

A. Yes, sir.

Q. What did Mr. Pettigrew say as to the price?

A. Well, he said he would let me know in a few days, and consider the thing over.

Q. Well, at that time, do you know whether or not, Mr. McShane, anybody was getting sixty-five cents a load for filling?

A. There was nobody else in there at that time.

Q. How was filling selling at that time? Was that a fair price for filling?

A. That was a fair price, to get into the meadow with it — to get in on the ball ground, and make your own road.

Q. You counted in the labor of getting it in?

A. I made a roadway in there.

Q. You made a roadway?

A. I made a roadway in there.

Q. And all the expense of making the roadway and of carting it came upon you?

A. Yes, sir.

Q. And the figure which you submitted to Mr. Pettigrew, and which included the cost of the road, was for furnishing how much?

A. Well, I don't recollect.

Q. Well, between six and seven hundred loads?

A. Yes, sir.

Q. You agreed to supply that at sixty-five cents a load?

A. Sixty-five cents a yard.

Q. How many yards to a load?

A. Oh, I had sometimes a yard, and sometimes not a yard.

Q. You never had more than a yard?

A. I might have. It is according to the stuff I was hauling.

Q. You did your own hauling with your own teams?

A. Yes, sir.

Q. Whose teams did you use in the hauling?

A. My own.

Q. You owned all the teams that you used in the hauling?

A. Yes.

Q. You never used anything bigger than a single team?

A. We used some double teams.

Q. You did use the double teams there?

A. Yes.

Q. Well, the double teams would hold two yards, wouldn't they?

A. Well, according to what kind of a place we were to get into. If we had a good roadway, we would put on two yards, and if we didn't we wouldn't.

Q. It was bought by the yard, and not by the load?

A. Yes, sir.

Q. Who keeps your books?

A. I haven't got any book-keeper.

Q. When you are doing business with the Park Department you keep some memoranda, of course, of the loads you deliver?

A. Keep the checks.

Q. Isn't there any account book that you keep at all?

A. No; no account book whatever.

Q. Who keeps the checks for you?

A. I generally keep them myself.

Q. Has Mrs. McShane any part in the keeping of the checks?

A. Not that I know of.

Q. Do you know of Mrs. McShane's ever making out any checks?

A. No.

Q. Do you know Mrs. McShane's handwriting?

A. I don't know that I would.

Q. You have seen it many times, haven't you?

A. I have seen it; yes.

Q. And most of the writing done in your family is done by her?

A. Not all the time.

Q. Well, most of it is done by your wife?

A. No; it ain't.

Q. Do you do your corresponding yourself?

A. Well, I have a girl, a niece, that does some.

Q. Do you know of your wife making out any checks for you?

A. No, sir — making out checks for me?

Q. Yes?

A. Certainly.

Q. Well, not your bank checks. I mean checks for loam?

A. No, sir.

Q. Do you know of your niece ever filling in any blanks — any checks?

A. No, sir.

Q. Could you tell your wife's handwriting from your niece's?

A. I don't know that I could.

Q. You have seen considerable of your wife's handwriting, haven't you?

A. Yes; I have.

Q. You could tell your wife's handwriting from that of the ordinary stranger?

A. I don't know that I could.

Q. Well, you could tell it from mine, couldn't you?

A. I suppose I could.

Mr. LUNDY. — Did you bring those checks here to-day, Mr. Shea?

Mr. SHEA. — Yes.

Mr. LUNDY. — Now, if you will let me have some of those, will be obliged to you.

Q. (By Mr. LUNDY.) Do you remember how long you were delivering loam there — how long it took you to deliver the six or seven hundred yards that you were supposed to deliver — filling, I mean?

A. Three months, on and off.

Q. It didn't take you more than three months, altogether, did it?

A. Oh, somewheres in about that length of time, I guess.

Q. Were you asked to discontinue the delivery of loam before you delivered the number of yards that you supposed you were to deliver?

A. Yes; after I had built this roadway in there.

Q. Who asked you to stop delivering it there?

A. Mr. Pettigrew said he didn't want any more stuff at that price.

Q. Have you that letter?

A. I shouldn't wonder if it were in the house somewhere.

Q. He didn't want any more at that price?

A. At that price; yes.

Q. Did you have any conversation with him upon the subject of price?

A. Yes. I went over to see him.

Q. What conversation did you have with him on the subject of price?

A. He told me there were other contractors who would put it in for forty-five cents.

Q. What did you say?

A. I said I thought that wasn't hardly square, after our building a corduroy road in, to cut me down on the price.

Q. But you could make a fair profit at forty-five cents a load, couldn't you?

A. I don't know whether I could or not.

Q. Afterwards, you did supply loads of filling at forty-five cents a yard, didn't you?

A. Yes.

Q. And you made money on that transaction?

A. I don't know as I did.

Q. Well, you wouldn't continue to deliver loads of filling or anything else if you weren't making a profit?

A. Well, I had made the roadway, and I was working at it, and times were dull, and I thought it better to keep on.

Q. But you certainly didn't work at a loss, even to save the expense of the corduroy road?

A. I didn't make anything. I thought half a loaf was better than no bread. Times were dull.

Q. You don't know that you did anything more than quit even?

A. I don't think I hardly quit even.

Q. And you have absolutely no system of book-keeping?

A. No. The business wouldn't pay to keep a book-keeper. There ain't money enough in it.

Q. You have made some money in that business?

A. Well, I have made a little in it.

Q. You have followed that business for a number of years, haven't you?

A. Yes.

Q. And you haven't seen fit to engage in any other?

A. I am not fit to go into anything else. That is the reason.

Mr. LUNDY. — Now, those checks, please, Mr. Shea?

(Mr. Shea handed a bundle of check-stub books to Mr. Lundy.)

Mr. LUNDY. — These cover the entire Neponset contract?

Mr. SHEA. — Yes; all that has to do with McShane. There are thirty-five books there.

Mr. MATTHEWS. — Why don't you state, for the benefit of the record, that Mr. Shea produces thirty-five check-books?

Mr. SHEA. — Thirty-one.

Mr. LUNDY. — Yes; thirty-one books of stubs used by McShane at Neponset in 1898. I don't suppose you want a receipt?

Mr. SHEA. — Hardly.

Mr. LUNDY. — Now, Mr. Kelly, please step here one moment.

The CHAIRMAN. — Wouldn't it be well to know that these are all the checks?

Mr. LUNDY. — These are all, I understand, that have anything to do with Mr. McShane's contract there?

Mr. SHEA. — All that I know of Mr. McShane's ever being connected with.

Mr. LUNDY. — What became of those checks submitted that were not honored?

Mr. SHEA. — They are all there.

Mr. LUNDY. — And you could identify them, Mr. Shea, by the date or by any other means?

Mr. SHEA. — By the amounts.

Mr. LUNDY. — Well, I will ask you that later; but you could do that?

Mr. SHEA. — Well, I don't say that. Probably I could.

Mr. LUNDY. — You probably could pick the books out?

Mr. SHEA. — Yes, sir.

Mr. MATTHEWS. — If you ask Mr. Shea what the aggregate footings of the stubs are that he produced just now, perhaps that will answer the purpose.

Mr. LUNDY. — Well, if I might ask it here, what are the aggregate footings?

Mr. SHEA. — Well, the amount of money which they would represent, if I remember rightly, would be $1,586.

Mr. LUNDY. — $1,586?

Mr. SHEA. — I can give you the figure in a few moments.

Mr. LUNDY. — Well, perhaps we can do that later. There are thirty-one books here, Mr. Shea?

Mr. SHEA. — Yes, thirty-one.

Mr. LUNDY. — And those thirty-one are all the books that you ever had, representing anything coming from McShane, or supposed to come from him?

Mr. SHEA. — Yes.

(At the request of Mr. Lundy, Mr. William Kelly began an examination of the check stub books submitted by Mr. Shea.)

The CHAIRMAN. — Cannot you continue the examination of Mr. McShane while Mr. Kelly is examining the check stub books ?

Mr. LUNDY. — Well, to a certain extent, Mr. Chairman.

Q. (By Mr. LUNDY.) Now, Mr. McShane, do you recall any difficulty you had about the presentation at the Pine Bank House, the office of the Park Commissioners, of some checks that you were not properly entitled to?

A. No.

Q. You don't?

A. No, sir.

Q. You remember that you had to sue the city of Boston to get your money, don't you?

A. No, I don't.

Q. You retained counsel, didn't you?

A. Well, I gave my checks to a counsel, to make them up — to make out the feet and yards. I couldn't do it myself.

Q. Who was your counsel?

A. I believe it was —

Q. Well, don't you know who your counsel was?

A. John B. Moran, I believe.

Q. And he was the man you paid counsel fees to, was he not?

A. I didn't pay him any counsel fees.

Q. You never paid Mr. Moran any counsel fees?

A. No counsel fees; paid him for making it up into yards.

Q. Do you mean to say that you went to John B. Moran to have him act as an expert accountant?

A. I went to him for some of his clerks to make up these into yards.

Q. You could have done that at home?

A. Didn't have time enough.

Q. When you engaged in an ordinary contract, Mr. McShane, and the time comes when you make up your accounts, you don't ordinarily find it necessary to go to a law office to have them made up, do you?

A. Well, I might as well go there as anywhere else. That is what they are there for — to make up those accounts.

Q. Well, that is something original. I didn't know that. You did go to him after you had heard there was some difficulty?

A. No. I never heard there was any difficulty until lately.

Q. Don't you know that there were presented in your name and for your credit, from three hundred to eight hundred checks that you were not entitled to?

A. No. I think I was entitled to them.

Q. And do you think so still?

A. Yes, I do.

Q. But you knew that the full number they thought you received did reach within eight hundred checks of what you claimed?

A. No.

Q. Is that so?

A. Yes.

Q. Did you bring any suit upon that?

A. No; I didn't.

Q. Did you bring any suit to get within eight hundred dollars of what you were entitled to?

A. I didn't bring no suit at all.

Q. Well, you put it into the hands of a lawyer to have it adjusted?

A. No. I put it in the hands of some of his clerks to put it in yards.

Q. Put it in the hands of some of his clients?

A. No; of the clerks there in the office.

Q. Do you recall who the clerk was that made up the books?

A. I don't.

Q. Who figured it out for you?

A. No; I don't.

Q. Did you have any personal conversation with John B. Moran?

A. No, sir.

Q. None at all with him?

A. None at all with him, only I wanted those figured up into yards for me.

Q. Did you have a conversation with his brother, the other member of the firm?

A. No, sir.

Q. Then, you claim that you never saw any member of the firm of Moran and Moran, or John B. Moran?

A. I saw John B. Moran.

Q. And you saw him about this matter, didn't you?

A. I told him I wanted those figured up into yards.

Q. Now, if you will state exactly why you went to the office of John B. Moran, perhaps that will expedite matters?

A. Because I couldn't do it myself.

Q. But you had a niece there that could do it?

A. Well, she couldn't do it. She was busy.

Q. What was your niece doing at that time?

A. Going to school.

Q. Well, she had been going to school all the time, hadn't she?

A. Well, once in a while. She took care of it when she came home.

Q. Mrs. McShane understands something about accounts?

A. Yes; she does.

Q. And she does most of your work at the present time, doesn't she?

A. She does some of it; not all of it.

Q. Who does what she doesn't do?

A. Oh, the girl, once in awhile.

Q. The niece, you mean?

A. Yes.

Q. Then, all the accounts that you have taken care of are taken care of either by your wife or by your niece? That is so, isn't it?

A. Well, it is done by somebody in the house. I give it to any one in the house that will do it.

Q. How many times did you ever go to the office of John B. Moran to have your accounts made up?

A. I guess about twice.

Q. Do you remember on what other occasion you went there?

A. No, I don't.

Q. It was on this same case, wasn't it?

A. I guess it was to see if we had got the money. I owed some money and wanted this to pay it.

Q. How much money did the Park Department owe you when you went to see Mr. Moran?

A. Well, I wasn't really sure until the checks were all figured up.

Q. You knew how many loads of filling you had delivered there, didn't you?

A. Well, I went pretty near it at the time.

Q. You knew from Mr. Pettigrew just how many loads of filling they wanted there?

A. No, I didn't. Mr. Pettigrew didn't know himself — couldn't tell.

Q. Mr. Pettigrew told you not to go beyond a certain limit, didn't he?

A. No, he didn't tell me anything of the kind.

Q. Why did you stop when you delivered the six hundred thirty-eight loads, or whatever number of loads it happened to be?

A. I supposed they had no more money. The appropriation was run out.

Q. Did Mr. Pettigrew inform you to stop?

A. Some of the Park officials — I don't know who. They stopped all hands that were hauling in there.

Q. Everything was suspended for a time?

A. Yes.

Q. And you understood that was because of lack of appropriation?

A. Had no money to go ahead any further.

Q. Some time later they resumed work, didn't they?

A. There was some loam put in after that.

Q. And there was some filling?

A. There was some.

Q. Do you know who put it in?

A. I think Jim King.

Q. He was putting in filling at the time you were?

A. Yes.

Q. Did you ever make any application to put any loam in after this suspension?

A. No, sir.

Q. Why didn't you?

A. Well, I didn't have any to put in there.

Q. Then, you were really exhausted in the matter of filling at the time that you stopped?

A. No, I didn't have any limit. I had lots of filling.

Q. Do you know whether or not Jim King furnished filling or loam?

A. I don't know whether it was filling or loam.

Q. You have no reason to suppose it was not filling?

A. I couldn't tell what he put in, because I didn't go down to see.

Q. And you made no application to do any further work for the Department after that time?

A. No. There was not anything put in after that time of any account.

Q. Now, do you mean to say that it was never called to your attention that there were a number of hundred checks presented in your name and for your credit at the Pine Bank office to whch you were entitled? You never heard that?

A. No, sir; I never heard that.

Q. Not before I put it to you now?

A. Yes.

Q. Have you been reading the papers?

A. Saw it in the papers.

Q. You heard about McShane's name being connected with this investigation, didn't you?

A. Yes, I did.

Q. Have you talked that over with anybody since?
A. No.
Q. It didn't interest you at all?
A. Not until I got a summons last night to come here to-day.
Q. How long have you known Mr. Pettigrew — how long did you know him before you undertook this contract?
A. Never saw him more than two or three times in my life.
Q. How long did you know Mr. Shea at the time when you undertook this contract?
A. Never saw him but once or twice in my life.
Q. What are you doing at the present time?
A. Contracting.
Q. Supplying filling, aren't you?
A. No.
Q. Supplying loam?
A. No.
Q. Building houses?
A. No.
Q. Landscape gardening?
A. No, sir.
Q. Well, what are you doing?
A. General teaming around here and there.
Q. Teaming other people's material?
A. Yes.
Q. Is that it?
A. Yes.
Q. Where did you last supply any gravel anywhere.
A. I supplied three or four loads to concrete a cellar up on Harvard street bridge the other day.
Q. And you can reach filling any time you want to, can't you?
A. Yes.
Q. And you could have reached any amount of it in 1898?
A. Yes.
Q. Now, as a matter of fact, didn't you stop supplying gravel because you were told that you couldn't supply any more on account of this fraud?
A. I didn't supply any gravel to them there. They didn't get so far.
Q. Do you mean to say that you have never consulted Mr. Moran upon the legal aspect of this case?
A. No, sir; never.
Q. When did you get the payment for the filling you supplied at Neponset?

A. Some time about a year after the job was finished?
Q. Where did you get your check?
A. Check for what?
Q. For your payment?
A. City Hall.
Q. And who went with you when you got it?
A. Nobody.
Q. Who told you to get it on a certain day?
A. I believe there was a letter sent to me to get it.
Q. You believe a letter was sent to you by Mr. Moran don't you?
A. Well, Mr. Moran must have sent me one that my money was there.
Q. He was the man who told you that you could get your money there on a certain day, wasn't he?
A. I knew I was going to get it.
Q. Well, he told you you were going to get it, didn't he?
A. Certainly he told me I was going to get it.
Q. Now, it will expedite matters wonderfully if you will get right down and tell this thing truthfully and simply. Didn't Mr. Moran tell you the day you were to get your monoy at the Hall?
A. He didn't tell me the day I was to get the money. He wanted to go to law with the city, and I didn't. I didn't want to lose my time.
Q. Isn't this the Moran that was simply acting as accountant?
A. It was the same party, in the same office.
Q. Now, I want you to state this definitely. You have gone around it in all manner of ways. Didn't he act as your legal adviser in this matter?
A. No, sir.
Q. And it was simply because you had had some clerk in Mr. Moran's office figure up these checks into cubic feet that he took the trouble to tell you when to get your money?
A. He wanted me to sue the city. I owed the money, and wanted to pay the bill, and he told me to sue the city. I didn't think it would pay me to go to law with the city. I would have to wait a couple of years.
Q. Now, what balance was there that he wanted you to sue the city for.
A. It was the difference between $900 and $1,400.
Q. How many dollars did you get from the city in that final settlement?
A. $900, I think.

Q. And before that, you had received how many dollars from the city?

A. None at all.

Q. None at all?

A. No.

Mr. LUNDY. — Mr. Shea, what was that amount — $1,580?

Mr. SHEA. — About that.

Q. Do you mean to say that you did not receive $1,580, approximately, for the filling that you supplied there?

A. No, sir.

Q. You never received over $900?

A. That is all.

Q. Then, at the present time, there is over $600 due you, isn't there?

A. There is by right. If I got my rights, there is that due me.

Q. Why didn't you go out and get your rights?

A. I don't know how. (Laughter.)

Q. I imagine Mr. Moran could tell you how to get them as well as anybody?

A. Well, he did tell me, but I didn't do as he said. I didn't want to wait two years. I suppose if I had done as he said I would not get any more than what I did, anyhow. (Laughter.) — perhaps wouldn't get as much.

Q. Well, without any reference to Mr. Moran at all, you were entitled to at least six hundred more dollars than you received? There was no question about that?

A. Yes; I thought I ought to have had that much more.

Q. You should have had that much more?

A. It would take eight hundred dollars or nine hundred dollars to build the corduroy road that I built in there.

Q. But you had no claim against the city for building that road?

A. No.

Q. That was a part of your own job?

A. I did that to get in.

Q. Is that what you meant when you said you were entitled to $600 more than you received?

A. No; I was entitled for what I put in there.

Q. But you don't consider that they were to pay you for building the corduroy road?

A. No. I had settled that matter.

Q. For the corduroy road?

A. For the $900.

Q. And that included the corduroy road and all the loads of filling delivered?

A. I guess so.

Q. How many loads had you supplied?

A. I couldn't tell you, really.

Q. Had you supplied six hundred?

A. More than that, I guess.

Q. Had you supplied 700?

A. I guess so — more than that.

Q. How many loads did you supply at sixty-five cents a load?

A. Oh, probably about between six hundred and seven hundred loads — somewhere along there.

Q. And you were stopped, after you had started on this job, by Mr. Pettigrew, who said that he wouldn't pay you sixty-five cents a load?

A. Yes; that other parties were selling for forty-five cents.

Q. And I understand that you sold some filling to the city for forty-five cents?

A. I asked him if he was going to knock me off, and he said no, if I would supply it for the same as other people; and so I thought it was best to go ahead.

Q. Then you didn't supply seven hundred loads at sixty-five cents?

A. Well, that was the agreement that I made to build this road.

Q. (By the CHAIRMAN.) Do I understand that this is 600 or 700 loads, or 600 or 700 yards?

A. 600 or 700 yards.

Q. (By Mr. LUNDY.) Do you remember how many loads that you supplied at sixty-five cents a yard, or how many yards you supplied? Would you say 100?

A. At how much?

Q. At sixty-five cents a yard?

A. Oh, I supplied 600.

Q. At sixty-five cents?

A. At sixty-five cents.

Q. Well you didn't deliver 700 yards altogether, did you?

A. Oh, yes I did. I delivered a great deal more than 700 yards.

Q. Whose writing is that in, Mr. McShane (showing check stub)?

A. I don't know whose that is. Mr. Kelly can tell you, I suppose.

Q. Well, I suppose any number of people can, but you don't know?

A. I don't know.

Q. But you do know your niece's handwriting?

A. That ain't it.

Q. And you know your wife's handwriting?

A. I don't think that is it, either.

Q. No, I should say this is a man's handwriting. Now, you have entertained this Mr. Kelly at your house haven't you sometimes?

A. Well, he came over there and asked me if I wouldn't fetch him over one wet day and allow him to get his dinner, and that he was willing to pay twenty-five cents. He got his dinners all the time he worked there, and never paid anything. (Laughter.)

Q. You don't run a boarding-house, do you, Mr. McShane?

A. Yes.

Q. You run a boarding-house?

A. Yes.

Q. How many boarders have you got now?

A. Fifteen or twenty.

Q. And did you have fifteen or twenty at that time?

A. Generally fifteen and twenty — sometimes forty.

Q. What time did your supper hour, or dinner hour, whichever you call it, close?

A. Half past six or seven.

Q. And he never asked you to supply his suppers, did he?

A. I don't know. He stopped around there, and I suppose he might have had something to eat for supper — I wasn't there all the time. (Laughter.)

Q. Well, he would have had to make a distinct visit altogether to get his supper, wouldn't he?

A. He was supposed to be there on the work all the time.

Q. You know that he was at the work all the time during working hours, don't you?

A. Well, he was on the Park.

Q. On the Park?

A. Yes.

Q. If Kelly were in your house at nine o'clock, it couldn't be said that he was there looking for a meal?

A. I don't know that it could. I see him there one night. I don't think he was looking for a meal at nine o'clock.

Q. What do you think he was looking for?

A. He wanted me to give him five dollars. He said there was to be a Park investigation, and that if I didn't give him five dollars, he would bring me into it. I said if he didn't get out, I would kick him out. That was three weeks ago Saturday night.

Q. And he came around to blackmail you three weeks ago?

A. Yes.

Q. Now, to get back to the time when some checks were presented in your name that didn't belong to you, do you recall him being at your house at nine o'clock, during 1898?

A. No, sir; I don't.

Q. And you will swear now that your wife never made out any filling checks?

A. Not that I know of.

Q. Well, you would know it if your wife did it, wouldn't you?

A. Oh, my wife might do lots of things I couldn't tell about.

Q. You don't suppose your wife would be disposed to go over to the Park and get these check stubs and fill them out without your knowledge, do you?

A. I don't pretend to say that she ever was in the Park in her life.

Q. If seven or eight hundred checks were presented to the Park Department to be cashed in your name, do you know anybody who could derive any benefit from the cashing of those checks, except yourself?

A. No.

Q. Then, if those checks were paid, through any mistake of the Park Department, you would derive the benefit?

A. No.

Q. You signed for all the money you got on the checks?

A. I signed for all the money I got on the Park Department.

Q. Yes, exactly — on the Park Department. That holds good wherever you get money, don't it? You have to give your personal receipt?

A. Yes, I have to sign, no matter where I get the money.

Q. Now, you never knew anybody to go and steal for you, did you?

A. No.

Q. And you don't know how anybody could get money for the work that you did?

A. I don't know anybody but myself.

Q. Did you ever pay Kelly to make out any checks for you?

A. No, sir.

Q. Did you ever give him any money at all?

A. Never a cent in my life.

Q. Then, if Mr. Shea says that eight hundred checks were presented at the Park Department that should not have been presented, you would say that is an error in bookkeeping, wouldn't you?

A. I don't know anything about that.

Q. Now, to make this perfectly clear and fair to you, if you don't know this, I want to state it. Mr. Shea has testified here, sworn to it, that from 700 to 800 checks for filling were presented at the Pine Bank office in your name, over what you had any right to expect?

A. I suppose those are the checks that I wasn't paid for, most likely.

Q. Well, that seems to be a very proper conclusion, that those were the checks that you were not paid for. Now, have you any idea how many checks you were entitled to, Mr. McShane — any idea how many loads you delivered?

A. I couldn't tell you how many loads I delivered, just now. I couldn't tell you.

Q. But you would be able at the present time to distinguish between your proper account and a false account, if there were a matter of eight hundred checks, difference, wouldn't you?

A. How do you mean?

Q. I mean this; that without any system of bookkeeping, you know when you are within eight hundred checks of what you are entitled to?

A. Certainly. I would know within two or three what I was entitled to.

Q. You would know within two or three?

A. Yes.

Q. And you would carry back in your head?

A. Yes, I oftentimes deliver sand and gravel, one hundred or two hundred loads, to a man, and he says: "Here, if you take four or five loads off, I will pay you." Many times, I do it.

Q. And you can carry those things in your head within a few loads?

A. Yes.

Q. Now, to come down to the question I put to you a minute ago. If 800 checks were presented in your name more than the number of loads you delivered, there was some fraud somewhere, wasn't there?

A. I don't know whether there was or not. I couldn't tell whether there was fraud or not.

Q. Well, if I were working for you by the day, and as a guarantee that I had performed each day's work I received a check, or some guarantee in writing, and if after I had worked for you for fourteen days I then presented to you for payment seventy-eight checks, you would know that I was doing something wrong?

A. Yes.

Q. Now, that is exactly the condition we have before us, according to Mr. Shea's testimony. He has said that there were presented in your name for payment from 700 to 800 checks that you were not entitled to. Now, answer me this question: How could that possibly come about?

A. Well, I suppose they thought I was not entitled to that over in the Park.

Q. Well, that is only reasonable, if these checks called for 800 loads that you hadn't delivered?

A. If I didn't deliver them, I wouldn't have the checks.

Q. Now, that is just what I want to get at. How was it possible for you to have these checks when you hadn't delivered that number of loads of filling?

A. I never delivered a load but what I got a check for it.

Q. Well, I think that is so, according to the testimony. (Laughter.) But didn't you have checks that you hadn't delivered loads for?

A. What do you mean — that I got checks that I never delivered loads for?

Q. What I mean is this: Did you, or your wife, or your niece, or whoever you had doing this work, make out checks in advance?

A. Not at all.

Q. Wasn't there a wholesale system of book-keeping in that line in your house at the time you delivered that stuff?

A. No.

Q. Would it surprise you any if we identified certain loam checks as made out in your wife's handwriting? Would that surprise you?

A. I don't know whether it would or not. (Laughter.)

Q. Well, you may not be susceptible to surprises; but did you ever know of your wife making out any checks?

A. No; I never did.

Q. Then, it would surprise you?

A. Not unless Mr. Kelly had asked them to make out some checks for him, which I have often known him to ask other people to do.

Q. But he didn't go into the families to ask them?

A. He would go anywhere.

Q. He would go anywhere?

A. Yes, I think he would.

Q. But, as a matter of fact, where did he go outside of the park?

A. Well, I didn't keep tabs on him. He went to a good many places, I guess.

Q. But do you know any reason why he would be likely to make out 800 checks that you were not entitled to?

A. No.

Q. Do you know where there would be any money in his pocket if he did that?

A. I don't think there would.

Q. You can't understand how there could be?

A. No.

Q. But you can understand how there would be money in your pocket if those went through, can't you?

A. No, I don't.

Q. You can't understand that if you were paid eight hundred dollars more than you were entitled to, you would be making money?

A. Yes — but I wasn't.

Q. Of course you weren't? But you can understand how that condition would prevail, can't you?

A. Well, I don't see how it could prevail, because I never got a check but what they got a load of stuff for it.

Q. You weren't there all the time your men were delivering stuff?

A. No; not all the time.

Q. And it is possible that your man might have received five or six checks that he had not delivered a load for?

A. I don't believe he did.

Q. You mean he shouldn't?

A. No. I don't think he would, either.

Q. Who wouldn't?

A. Kelly was supposed to be there — Kelly and two more. I guess there was a man by the name of Dolan, and some other young fellow. Later, there was an old man there. There was quite a lot of them made the different checks. He didn't give out all the checks.

Q. There were more people than him giving out checks?

A. Yes.

Q. And were there three or four others?

A. Yes; one other sure — two or three of them there, altogether.

Q. Did you get any checks that were not signed in initials "W. K."?

A. I don't remember whether I did or not.

Q. As a matter of fact, you know you didn't, don't you?

A. I don't know. You have all the checks there, haven't you?

Q. I believe that I have thirty-one books. Now, who was the foreman there?

A. I don't know as there was any foreman there.

Q. Did you know Kelly to ever act as foreman?

A. He said he was head beetler there for quite a while, of everything.

Q. (By the CHAIRMAN.) What was he, did you say?

A. Head man for quite a while, of everything. (Laughter.)

Q. Well, then, Mr. Kelly said he acted as foreman?

A. He told me he was. I don't know whether he was or not. He said he was.

Q. That he was head foreman?

A. That he was head foreman — and that he was trying to make enough money to put him through college. That is all I know about it. (Laughter.)

Q. Well, what college did Mr. Kelly say he wanted to go through?

A. I don't know what college he was going through. I don't remember.

Q. How did he ever come to tell you that he wanted to make money enough to go through college?

A. I asked him how he came to get that job.

Q. What job?

A. The Park Department.

Q. Well, there wasn't anything remarkable about a man working in the Park Department?

A. No.

Q. Well, how did you come to ask him that question?

A. I thought he was quite a smart little lad, to be handling so many teams as he was, and doing so much writing as he was doing. (Laughter.)

Q. I should say he was. So far as you know, at that time he was general superintendent of the system?

A. Yes.

Q. The man who seemed to be at the head?

A. Yes.

Q. The man who wrote checks?

A. Well, he was supposed to write all the checks.

Q. He was supposed to — but you know he didn't?

A. I don't know whether he did or not. I suppose he wrote all the checks I got.

Q. You suppose he wrote all you got?

A. I don't know who wrote the other man's.

Q. Kelly did appear to be foreman there?

A. Yes.

Q. There were not many men working there, were there?

A. One or two, I think.

Q. And nobody had quite as much to say as Kelly? That is about the size of it, isn't it?

A. Not at the first going off. There was an oldish man came there that had more to say than Kelly.

Q. Did you notice anybody that disputed Kelly's superintendence there at all?

A. No.

Q. He seemed to have full sway, didn't he?

A. He had full sway upon those checks, I guess, until this old man came.

Q. Do you remember who the old man was?

A. I don't.

Q. As a matter of fact, didn't you look to Kelly as being foreman on that job?

A. I don't know as I did. I think the old man was a pretty good old fellow.

Q. But he came afterwards?

A. Yes.

Q. Well, while he was there alone, with these two men whom he claimed were under him, didn't you look to Kelly as being the foreman there?

A. I didn't look to him as foreman. I don't think there was any foreman there. I looked to him as writing out the checks.

Q. Did you ever in your life have any talk with the other men about the business on the Park there?

A. I never had any talk with any of them.

Q. Well, you had talked with Kelly?

A. I had talked with the whole of them.

Q. But you talked with him more intimately. You talked with him about his college ambitions.

A. No. He told me he was getting ten or twelve dollars a week, to get money enough to put him through college.

Q. Did any of the other men tell you they wanted to go through college?

A. No, sir.

Q. Did any of them tell you that they wanted to get married?

A. No, sir.

Q. Did any of them tell you anything about their personal business?

A. No, sir.

Q. But Kelly did tell you about certain private ambitions he had, and you looked to him for checks?

A. He was the man who was supposed to give them.

Q. And he did give them — with some interest.

A. Gave what was due.

Q. Do you know whose handwriting that is on the top of the check there, Mr. McShane?

A. No, I don't.

Q. Well, isn't that Kelly's handwriting?

A. I couldn't tell you, I am sure, whether it is or not.

Q. Whose handwriting is that?

A. Well, that I couldn't tell you — whose handwriting it is.

Q. Well, you know your wife's handwriting, don't you?

A. Well, I don't know that handwriting.

Q. Well, you know your niece's?

A. That is not my niece's.

Q. That is not your niece's handwriting?

A. No, sir; I don't think it is.

Q. It is not your wife's?

A. I don't think so.

Q. You are sure?

A. Well, I can't say sure.

Q. Does it look anything like your wife's handwriting?

A. No, sir.

Q. Doesn't look a bit like it?

A. No.

Q. Do you know whose handwriting that is (referring to another stub)?

A. (Examining stub.) No, I don't.

Q. Well, it isn't the same handwriting as that (referring to the previous one), is it?

A. No.

Q. And you haven't the slightest idea whose handwriting that is?

A. No; that isn't my wife's handwriting.

Q. Is it your niece's?

A. No.

Q. It isn't your own?

A. No, it isn't mine.

Q. Nor anybody in your family that you know of?

A. Not that I know of.

Q. Now, you are thoroughly familiar with your niece's handwriting — you know something about it?

A. Yes.

Q. And you will swear that that is not her handwriting?

A. Yes, sir; I will.

Q. Is it the handwriting of any boy who ever supplied you with checks there?

A. No, sir; there was no boy ever gave me a check there.

Q. Will you step aside just a minute, Mr. McShane?

A. What do you mean?

Q. (Pointing to another chair.) Sit here a minute, and I will put Mr. Kelly on for just a minute.

TESTIMONY OF WILLIAM P. KELLY. — *Recalled.*

Mr. LUNDY. — Now, I don't want to detach these, Mr. Chairman, when I offer them as exhibits, so there will have to be some special mark made on each bunch, you understand, because I don't want to tear them off.

Q. (By Mr. LUNDY.) Mr. Kelly, whose handwriting is that (showing check to witness)?

A. (Examining.) That is my handwriting.

Q. That is called check No. 1, in book 123. (Reading the stub referred to, which will be found at close of to-day's hearing as an extract read from Exhibit 23.) That is your handwriting?

A. Yes, sir.

Mr. LUNDY. — Now, each book, Mr. Shea, has a distinct number, has it?

Mr. SHEA. — It has.

Mr. LUNDY. — This is book 123.

Q. (By Mr. LUNDY.) Now, I have here receipts, Mr. Kelly, from 1 to 15 in book 123. Are those receipts in your handwriting — from 1 to 15?

A. (Examining stubs.) Yes, sir.

Q. All those are in your handwriting, from 1 to 15, in book 123. Now, who else filled out checks on the ground with you, Mr. Kelly?

A. Well, there was one boy by the name of Terence Griffin.

Q. Now, you would know Terence Griffin's handwriting?

A. I believe I would, yes, sir.

Q. Well, you have seen some of it?

A. Yes, sir.

Q. And would you say that that is Terence Griffin's handwriting (referring to another stub)?

A. (Examining stub) No, sir; it is not.

Q. In whose handwriting would you say that is, or do you know?

A. Well, I would rather state —

Q. Now, unless you know, don't make any statement. I want your positive statement on those checks from 16 to 100 in book 123, being in the same handwriting. Do you know whose handwriting that is?

A. No, sir. It is a forged handwriting.

Q. Well, that evidently is not a forged handwriting. But do you know whose handwriting that is in?

A. No, sir, I don't.

Mr. LUNDY. — Now, I offer this book, Mr. Chairman, as an exhibit. It is book No. 123, checks from 1 to 15 being in Kelly's handwriting.

(The book referred to was marked "Exhibit 23.")

Q. (By Mr. LUNDY.) Now, stub No. 19 of book 239 — is that in your handwriting, Mr. Kelly? Just confine yourself to that particular check, without consulting any other?

A. (Examining stub) No, sir.

Q. Is that in your handwriting?

A. No, sir.

Q. You know that?

A. Yes, sir.

Q. Those are your initials — "W. K." there?

A. Yes, sir.

Q. Is that the handwriting of Griffin?

A. No, sir.

Q. How old a man is Griffin?

A. I should judge about nineteen years of age.

Q. Did Griffin appear to have any particular education?

A. No, sir.

Q. Now, this stub No. 19, of book 239, reads as follows. (Reading the stub referred to, which will be found at close of day's hearing, as an extract from exhibit 24.) That is not in your handwriting?

A. No.

Q. And it is not in Griffin's handwriting?

A. No, sir.

Q. Do you know whose handwriting it is, to the best of your knowledge?

A. No, sir.

Q. Did you ever see any handwriting like it at that time?

A. No, sir.

Q. Now, Kelly, did you ever see anybody in the McShane household write checks?

A. Caught Mr. McShane going over to the office —

Q. Just answer the question. Did you know of anybody in that household writing checks?

A. Yes, sir.

Q. And have you ever seen anybody writing them?

A. Yes, sir.

Q. Who have you seen writing checks in the McShane household?

A. Mrs. McShane and another boy that was in there.

Q. Not another boy?

A. Well, a boy. Mr. McShane used to have one in there quite frequently.

Q. Did you ever see any girl, a niece of Mr. McShane's write checks?

A. Saw the girl there, the servant girl.

Q. What is her name?

A. Kingston.

Q. Would you know her handwriting, if you saw it?

A. I don't think I could identify it.

Q. But you actually did see Miss Kingston write checks?

A. Yes, sir.

Q. And you saw some boy there in the house writing checks?

A. Yes, sir.

Q. Was the Kingston woman a domestic of Mr. McShane's?

A. Yes, sir.

Q. And you saw Mrs. McShane write checks?

A. Yes, sir.

Q. Where did they get the books that they filled in, if you know?

A. Mr. McShane sent to the office and demanded books in my name, and Mr. Timson delivered them.

Q. You know that?

A. Yes, sir, because I caught them writing in the books in Mr. McShane's house one night.

Q. At what time in the night did you detect them doing that?

A. I was going —

Q. What time was it? Answer the questions, and keep right close to them. Was it after seven o'clock?

A. Yes, sir; it was after seven.

Q. In McShane's house?

A. Yes, sir.

Q. In what part of the house?

A. In the kitchen.

Q. And did you see more than one of these people writing books at the same time?

A. Saw Mrs. McShane and the servant girl writing checks at the same time.

Q. And when did you see the boy writing books?

A. I happened to go to dinner one time at quarter of twelve and I see him there in the dining room at the desk writing books.

Q. This handwriting here differs materially from the others in the book. (Referring to certain writing.) This is all the same handwriting, isn't it?

A. (Examining writing.) Yes, sir; the same handwriting.

Q. You don't know whom that belongs to?

A. No.

Mr. LUNDY. — Out of book 239, while I will offer the whole book, I will call particular attention to stubs 17, 18, 19, 20 and 21, out of the hundred stubs offered as not being in Kelly's handwriting and not being in Griffin's handwriting. I offer that book.

(The book was marked "Exhibit 24," and the checks referred to will be found as extracts from the exhibit, at the close of the day's hearing.)

Q. (By Mr. LUNDY.) Now, here is book 184, Mr. Kelly. Is your handwriting in there at all, or Griffin's?

A. (Examining book.)

Mr. LUNDY. — While we are waiting, I will simply say that I offer No. 185 also. I intend to put them all in, Mr. Chairman.

The WITNESS. — (After examining book 184.) That is not in my handwriting.

Q. (By Mr. LUNDY.) None of it is in your handwriting?

A. No.

Mr. LUNDY. — I offer book 184, Mr. Chairman, to which Mr. Kelly testifies that none of the signatures and no part of the writing are in his handwriting, or in the handwriting of Griffin, to the best of your knowledge, Mr. Kelly?

The WITNESS. — No, sir.

(Book No. 184 was marked "Exhibit 25," and book 185 was marked "Exhibit 26.")

Q. (By Mr. LUNDY.) (Showing another book to witness.) Anything there?

A. (Examining book.) No, sir.

Q. Nothing there in your handwriting or Griffin's handwriting? Do I understand that?

A. Yes, sir.

(Book 245 was marked "Exhibit 27.")

Q. By the way, who were the other men there, besides yourself and Griffin?

A. Well, there was one man by the name of Mr. Hurley, but I don't believe he could write. He couldn't write.

Q. He was under you at the time when you constituted yourself foreman, or supposed you were foreman?

A. Yes, sir.

Q. And there was another man there?

A. Yes, sir.

Q. Did either of those men ever do any writing in the check books?

A. No, sir.

Q. They had nothing to do with that work?

A. No, sir.

Q. And, to your knowledge, never did anything of the kind?

A. No, sir.

The CHAIRMAN. — Mr. Counsel, what do you propose to establish by these books? Were these books supposed or alleged to be presented wrongfully?

Mr. LUNDY. — I supposed that was perfectly plain. These are the stubs from which have been taken off the receipts given to the drivers for the contractors who supplied the filling at this place. In these cases, these thirty-one books that I shall present to you in evidence represent the number of loads delivered, or the number of checks presented, by Mr. McShane for his account in Neponset Park. Am I right, Mr. Shea?

Mr. SHEA. — Well, in substance you are. I don't think I stated that all these checks were presented. I said that we had the stubs, and it was supposed that these checks would be presented. I haven't testified that all of them were. Some of them, at least, were.

Mr. LUNDY. — But all the stubs that were presented at your office are here now, on the McShane account at Neponset Park?

Mr. SHEA. — These stubs were returned by the men on the work. The checks were to have been presented by the contractor, and were presented. I have not testified that there were as many checks presented as were represented on the stubs, although some checks were wrongfully presented.

Mr. LUNDY. — Where are the checks now, Mr. Shea?

Mr. SHEA. — We burn our checks, I think, at the end of the year.

Mr. LUNDY. — You burn them at the end of the year?

Mr. SHEA. — On the ground that the stubs are sufficient.

Mr. LUNDY. — Sufficient to show what you called for —

The CHAIRMAN. — I don't want to delay this at all, other than that I would like to know, and the committee would like to know, what you propose to establish. These are the checks presented for payment wrongfully?

Mr. LUNDY. — These are the stubs of the books — not necessarily the ones that were delivered wrongfully, but my contention is that in a number of these books the stubs and checks were made out in the house of McShane, and it doesn't make any difference whether they were made out legitimately — I mean whether or not the checks were legiti-

mate or illegitimate — if they were made out in the house of the man who was to receive the benefit. In that case, it is a questionable proceeding and a proper subject of inquiry.

The CHAIRMAN. — Go right along.

Q. (By Mr. LUNDY.) Now, take that book No. 217, Mr. Kelly. (Handing book to witness.) There is nothing there in your handwriting?

A. (Examining book.) No, sir.

Q. You don't know whose handwriting that is, do you? That is the one most of the checks were made in.

(Witness at this point talked the matter over privately with counsel.)

Q. Mr. Kelly, we have here 31 books, presented as stub books. Do you know whether or not there was a smaller or greater number of books given to you or turned over to your department at Neponset, in 1898?

A. I claim that there are more books that should be presented for my examination than are here at this present moment.

Q. Now, whether or not you have looked over all these stub books on my table?

A. I have, yes, sir.

Q. And whether or not, from your memory, and based on your knowledge and belief, you have seen other stub books for McShane's material than appear here?

A. Yes, sir.

Q. You have?

A. Yes, sir.

Mr. LUNDY. — Well, now, if you will step down a minute, Mr. Kelly — unless you wish to ask him some questions now, Mr. Matthews? He is coming back anyway. Mr. McShane, if you will go on there again a minute.

TESTIMONY OF MR. MCSHANE. — *Continued.*

Q. (By Mr. LUNDY.) You were accustomed to looking at these checks and stubs some?

A. No, unless he handed them into my hands.

Q. Well, wouldn't you look at these? Wouldn't you look at the checks?

A. Yes, the checks; but I never looked at those. I never see those — never had any dealings with them. It is the ones torn off of there that belonged to me. Those are the stubs — I don't know about the stubs.

Q. Well, you understand that it is the same handwriting that makes the stubs and makes the checks?

A. I don't know who wrote them out.

Q. You know that the stub was made at the same time the check was made, as a matter of memorandum?

A. I know they made them out any old way they had a mind to. (Laughter.) I don't know.

Q. Well, it would appear from the evidence that they were made out any old way that they had a mind to?

A. Well, any old way he had a mind to.

Q. Well, you don't happen to have a specimen of Mrs. McShane's handwriting here, do you?

A. No.

Q. Now, I ask you — and it will save a great deal of bother if it can be done — if you can identify Mrs. McShane's handwriting? (Showing stub to witness.) Is that her's?

A. No, it is not.

Q. It is not?

A. No, it isn't hers.

Q. Did she write a straight hand, or a hand on a slant?

A. Well, pretty near a straight hand.

Q. A straight hand? Now, do you know your niece's handwriting?

A. Well, my niece's isn't there on any of those.

Mr. LUNDY. — I offer book number 229, Mr. Chairman.

(The book referred to was marked "Exhibit 28.")

Q. (By Mr. LUNDY.) Do you know Kelly's handwriting? Would you know that if you saw it?

A. No, I wouldn't know Kelly's handwriting.

(Mr. Lundy at this point put in book 98, as "Exhibit 29.")

Q. (Showing another stub to witness.) That handwriting is not your niece's?

A. No.

Q. And you don't know whose it is?

A. No, I do not.

Q. Is that handwriting your niece's (referring to another stub)?

A. (Examining stub.) No, sir.

Q. How old a girl is your niece?

A. About 13.

Q. About 13 years old?

A. Yes.

Q. Now, who is this Kingston woman that Kelly speaks of? Do you know her?

A. She used to live in the house, a girl in the house.

Q. She worked for you, didn't she?

A. Yes, worked for me.

Q. What was her occupation — cook?

A. No, general helper around.

Q. Around the household?
A. Anything.
Q. A relation of yours?
A. No, sir.
Q. How long had she been with you?
A. Two or three years.
Q. Wrote a pretty fair hand?
A. I don't know what kind of a hand she wrote.
Q. Ever see her writing anything?
A. I don't know as I did.
Q. Can't you answer that a little more directly? Did you ever see her do any writing on check stubs?
A. No.
Q. Ever see any specimen of her handwriting?
A. I never see any of her writing anywhere.
Q. Any kind of writing?
A. No.
Q. Kelly just now lied, then?
A. I don't know, I am sure.
Q. Well, you would know if this woman was doing any check writing for you, wouldn't you?
A. Well, if I saw her doing it — never saw her doing it.
Q. Do you know that she ever did it?
A. I don't.
Q. Do you know that she was ever asked to do it — that your wife ever wanted her to do it?
A. No, sir — I am sure of it.
Q. You are sure of it?
A. My wife never wanted her to do it.
Q. Why are you sure about that?
A. I know she wouldn't ask her to do it.
Q. You are sure of that?
A. Yes, sir.
Q. It would be impossible for you to identify any handwriting of Miss Kingston's, of course, because you never saw any of it?
A. No.
(Mr. Lundy at this point put in books 166 and 217, which were numbered Exhibits 30 and 31, respectively.)
Q. Well, you have said practically, Mr. McShane, that you are not familiar with the handwriting of your niece, who is 13 years of age, that you are not familiar with the handwriting of your wife —
A. Well, I know my niece's handwriting and my wife's handwriting are not there.
Q. Well, you haven't seen all of these books, you understand. Why are you so sure that they are not there?

A. Don't look like it, any of it.

Q. In what has been shown you, but you wouldn't say that of all these books?

A. I don't think any of it is there.

Q. Well, you are not quite positive that your wife, niece or servant girl, never wrote any checks?

A. I never saw them — don't see any reason why they should.

Q. You never saw them?

A. No, sir.

Q. And you also don't know why anybody should present 800 checks in your name, do you, but you do, as a matter of fact, know whether those checks were presented?

A. I don't know whether they were presented or not.

Q. You have heard about that?

A. No.

Q. Haven't you testified that you went to Mr. Moran about that?

A. I testified that I brought the checks, turned over the stub-books to him to have the account made out for me.

Q. Well, you didn't wait a year after the filling was delivered for your pay because you hadn't made up your books?

A. I know I had to wait a while for it.

Q. And you know that you didn't wait a year until there was an appropriation, don't you?

A. Yes, I believe that was the cause of it, that no appropriation was made.

Q. Do you know of any other contractor who failed to get his money for filling there until after a year had gone by?

A. I don't know about the other contractors — never asked them.

Q. You were not curious to inquire about them?

A. No.

Q. Don't you know that the reason why you didn't get it was because the matter was in litigation, because your accounts were not right with the department?

A. No, sir; I don't know anything about it.

Q. Who is the man who did the accounting for you in Mr. Moran's office? Do you know his name?

A. No, I don't.

Q. Didn't you pay him? Didn't you pay the clerk in Mr. Moran's office who did this accounting for you?

A. No, I believe I sent somebody in with the money to him — didn't go myself at all.

Q. But you did send some money in to pay for it?

A. I don't know — I believe I sent a check.

Q. Well, if you sent a check, you know how much it was?

A. I don't know how much.

Q. Well, about how much?

A. I think somewhere about eight or ten per cent.

Q. Of $900?

A. Yes.

Q. Will you say that it didn't go over ninety dollars?

A. I don't remember.

Q. Will you swear that you didn't send a check to Mr. Moran's office for at least three hundred dollars?

A. I will.

Q. You didn't send that much?

A. No.

Q. $200?

A. No.

Q. $100?

A. No.

Q. Now, in whose name did you make out the check?

A. I don't know — I think in Mr. Moran's name.

Q. Now, why did you make out the check to Mr. Moran for work he didn't have anything to do with?

A. I supposed he was the head manager of the office and had to pay off his help.

Q. But you knew that Mr. Moran was an attorney at law, didn't you?

A. Yes, sir.

Q. Doing a law business at the time?

A. Yes, sir.

Q. You have the check stub, of course, in your check book?

A. No; I haven't got anything to do with the stubs. I haven't any stubs.

Q. Well, when you make out a check you make a record on a stub, don't you, opposite the check?

A. You mean on the bank-book or on this here?

Q. Never mind about this. I understood that you didn't have anything to do with this. But you have a stub for a check, haven't you?

A. Yes.

Q. Do you know whether you have the stub that was on that check, to-day?

A. I don't know.

Q. You don't destroy your check-book stubs, do you?

A. I don't see what good an old book like that would be, keeping it around when I haven't got anything in it.

Q. Then, you don't think you have the stub of the check you sent to Mr. Moran?

A. I don't know whether I have or not.

Q. And you don't know the name of the clerk in Mr. Moran's office?

A. No.

Mr. LUNDY. — The disadvantage here, of course, Mr. Chairman, is that Mr. Moran would not be obliged to testify to this at all.

Q. (By Mr. LUNDY.) Do you know whose handwriting that is (showing another stub to witness)? I will ask you that question?

A. (Examining stub.) No, I don't.

(Mr. Lundy offered at this point book 240, as "Exhibit 32.")

TESTIMONY OF JAMES B. SHEA. — *Recalled.*

Q. (By Mr. LUNDY.) Mr. Shea, just one question. How do you account for this? Here is book 237, with a check and stub together — check never torn off. How do you account for that?

A. (Examining book.) I guess he didn't get his check for the load — must be a load short.

Q. Well, that is the way to account for it, is it?

A. Well, I suppose so.

Q. Did you ever know of that happening in any other case?

A. That is Kelly's handwriting. He ought to know.

TESTIMONY OF WILLIAM P. KELLY. — *Recalled.*

Q. (By Mr. LUNDY.) (Referring to the check and stub just shown to Mr. Shea.) Is that your handwriting?

A. (Examining.) No.

Q. It is not?

A. No.

Q. Pick out a specimen of your handwriting now.

A. (Witness examined a number of stubs.)

Mr. LUNDY. — I don't think that is his unless he writes a most variable and most eccentric hand.

The WITNESS. — Here is mine (showing a stub to counsel).

Q. Is that your handwriting?

A. Yes.

Q. Well, if you are quite positive that you know the difference between your handwriting and other handwriting, when you see it? Do you?

A. (Going back to the first check and stub, shown to Mr. Shea.) I claim that that isn't my handwriting.

Q. Which do you claim is not your handwriting?

A. (Referring to the same check and stub.) That, right there.

TESTIMONY OF MR. MCSHANE. — *Continued.*

Q. (By Mr. LUNDY.) You don't know how that would happen to be there, do you, — that check on the stub?

A. No, sir; I don't — don't know a thing about it.

Q. In fact, you didn't know a great deal about your business, did you?

A. Oh, know a little about it.

Q. Well, knew very little about how your account stood? That is so, isn't it? You didn't know a great deal about your business, as to where you stood or really should stand, did you?

A. Yes, knew something about it.

Q. Well, very little?

A. Here are a lot of tickets for gravel, and I know if I don't get one on a load I am out a couple of dollars. I know that.

Q. A sort of sign system — if you don't get a red ticket, you don't get credit?

A. No matter what color it is — got to get a ticket.

Q. Well, that is a ticket of this size?

A. If I should lose one of those I would lose the price of a load.

Q. Yes, and you lost some six hundred in your settlement in that case.

(Mr. Lundy at this point offered books Nos. 130, 118, and 126, which were marked Exhibits 33, 34 and 35 respectively.)

TESTIMONY OF JAMES B. SHEA. — *Recalled.*

Q. (By Mr. LUNDY.) Mr. Shea, I find about fifty per cent. of the checks in one of these books in that same condition. Does that mean that they were not given credit?

A. I don't know about that.

Q. How would you consider that at the office, when they came in, Mr. Shea?

A. I will tell you in a moment. (Examining checks and stubs.)

TESTIMONY OF MR. MCSHANE. — *Continued.*

Q. (By Mr. LUNDY.) Do you know a man named Dolan over there, a tally man?

A. No, sir — guess he don't belong there.

Q. Ever see him?
A. There was a man over there in the park.
Q. Was he at Neponset?
A. He was there awhile.

TESTIMONY OF JAMES B. SHEA. — *Recalled.*

Mr. SHEA. — (Referring to the checks and stubs to which his attention was called a moment ago by Mr. Lundy.) I understand that these are not figured, you see — these checks don't contain quantities. They were filled in by the tally man, but, the loads never coming in, the quantities were not put down. So in their present condition, they wouldn't be good for anything.

Q. (By Mr. LUNDY.) Do you know Peter Dolan's signature?

A. I think so.

Q. Well, you see by the writing here that these checks were made out in advance?

A. Yes, sir.

Q. And, of course, they would not be good unless they were subsequently finished. Is that right?

A. Yes.

Q. Do you know Mr. Dolan's signature?

Mr. MATTHEWS. — Well, anybody could do that.

Mr. LUNDY. — Yes, but, of course, they wouldn't be cashed.

Mr. MATTHEWS. — Wouldn't be good for anything against the city unless they were finished.

Mr. LUNDY. — Very true.

Q. (By Mr. LUNDY.) But in these cases, Mr. Shea, do you know Mr. Dolan's handwriting?

A. I think I do.

Q. Would you say that is it?

A. Yes, I think it is. Could I ask one of my clerks?

Mr. LUNDY. — Certainly, yes.

The CHAIRMAN. — This is a little mite irregular.

Mr. LUNDY. — It simply saves the trouble of pulling Mr. McShane off and putting another man on. They are both under oath, I suppose, and it saves time to ask questions of them in different parts of the room.

Mr. SHEA. — I can give you an opinion, if it is good for anything.

Q. (By Mr. LUNDY.) But you don't know?

A. No.

(Mr. Lundy at this point offered book 256, "Exhibit 36"; book 225, "Exhibit 37"; book 237, "Exhibit 38"; book

165, "Exhibit 39"; book 127, "Exhibit 40"; book 117, "Exhibit 41," and book 251, "Exhibit 42.")

Mr. LUNDY. — And here is a book which is not numbered, which I will call "Letter A," or "Exhibit 43."

(The book referred to was put in as "Exhibit 43," and book 131 was introduced as "Exhibit 44.")

Q. (By Mr. LUNDY.) Can you account, Mr. Shea, for any of the books not being numbered at all — books like that (referring to Exhibit 43)?

A. Well, I can only say that at the beginning of it the system of numbering was not started, when we first got our books.

Q. But this is September 4, and here is one of August 9 that is numbered?

A. Well, it might have been sent to Franklin Park from the main office before we started these numbers.

(At this point Mr. Lundy put in book 204, "Exhibit 45"; book 155, "Exhibit 46"; book 170, "Exhibit 47; book 218, "Exhibit 48"; book 128, "Exhibit 49"; book 142, "Exhibit 50"; book 161, "Exhibit 51"; book 244, "Exhibit 52," and book 129, "Exhibit 53.")

Mr. LUNDY. — Now you have the 31 there, Mr. Dever?

Mr. DEVER. — Thirty-one. They are all here.

TESTIMONY OF MR. MCSHANE. — *Continued.*

Q.. (By Mr. LUNDY.) — Now, Mr. McShane, you spent considerable time in Mr. Kelly's shanty at that time, didn't you?

A. No, sir; I did not.

Q. Did you ever eat with Kelly outside of your own house?

A. No, sir; never in my life.

Q. Do you know where the Squantum Inn is?

A. I do.

Q. Do you ever go to dinner there on a Sunday?

A. No, sir.

Q. Did you ever go there to dinner?

A. Never had dinner there in my life on a Sunday.

Q. Did you ever drink any beer there?

A. No, sir.

Q. Do you drink?

A. Sometimes.

Q. And you drink on Sundays sometimes?

A. I don't know whether I do or not — if I felt like it I would.

Q. And isn't it more than likely that you have felt like it some Sundays?

A. Well, oftentimes probably had a glass of beer on Sunday.

Q. Well, haven't you gone to Squantum, sometimes, Sundays?

A. I have.

Q. And gone to the Squantum Inn?

A. No, sir.

Q. Any other place there that you can get refreshments?

A. Not that I know of.

Q. How far is the Squantum Inn from your home?

A. About three miles.

Q. You say that Kelly never went there with you Sunday?

A. No, sir; never in my life.

Q. Never had anything to eat or drink with him in any other place than your own house?

A. No, sir.

Q. Do you recall any special invitations that you ever gave to Kelly to come to your house on a Sunday?

A. No, sir.

Q. And you don't recall ever having Mrs. McShane make any ice cream for the special benefit of Kelly, do you?

A. No, sir; never in my life.

Q. That is not so?

A. No.

Q. By the way, did this Terence Griffin ever take any meals at your house?

A. No, sir.

Q. Ever go there of a Sunday?

A. Not that I know of.

Q. Ever over there any?

A. Not that I know of.

Q. Did Terence Griffin ever know Miss Kingston?

A. Not that I know of.

Q. Or any of your household that you know of.

A. No, sir.

Q. But Kelly did. Did you ever offer Kelly any cloth to make a suit — suiting?

A. No, sir.

Q. Do you ever recall having any imported cloth in your possession — any Irish cloth?

A. Not that I know of.

Q. Well you would know if you had any cloth that came from Ireland direct, to make into clothes?

A. No, never had any — couldn't afford it.

Q. Well, will you say that you never got any Irish cloth to make a suit?

A. No, sir; I never did, because I couldn't get it.

Q. Didn't you say that you did?

A. I never said it.

Q. It wouldn't be impossible to get it, would it?

A. I wasn't going to the trouble to get cloth for Kelly, to make clothes for him.

(At this point a recess was taken from 3.47 P.M. to 3.57 P.M.)

TESTIMONY OF WILLIAM P. KELLY. — *Recalled.*

Q. (By Mr. LUNDY.) Did you ever go to the Squantum Inn with McShane?

A. Yes, sir.

Q. How often?

A. Twice on Sunday with him.

Q. Whether or not it was on his invitation?

A. Yes, sir.

Q. Well, who paid the freight?

A. Mr. McShane.

Q. What did you do there — drink?

A. I used to drink imported ginger ale. (Laughter.)

Q. You were particular as to drinks then. Now, did you ever see Pettigrew or Shea have any conversation with Mr. McShane?

A. I seen Mr. Shea and Mr. Pettigrew both have conversation with Mr. McShane.

Q. Did you ever hear any conversation between Pettigrew and McShane?

A. I did; yes, sir.

Q. About what?

A. Well, I overheard this conversation —

Q. Where was it?

A. Right in the shanty, at Neponset.

Q. What time of day would you call it?

A. I should judge between nine and ten o'clock.

Q. And do you know what month that was in?

A. Well, I can't just exactly recall the month, but I know it was after the time that Mr. McShane was ordered not to bring any more loam in — after he got back the second time.

Q. You knew McShane had been suspended once?

A. Yes.

Q. Do you know whether or not that was on account of the price — not what anybody told you, but what you know?

A. No, I did not.

Q. Well, you supposed it was a matter of price, didn't you?

A. Yes, sir; I supposed it was that.

Q. Now, this shanty is fitted out how? What was the use of the shanty? For whose use was it put up there?

A. Well, practically for my use.

Q. That is, for the foreman's use?

A. Yes.

Q. Now, at that shanty how many times did you see Mr. Pettigrew there altogether?

A. I should judge about five times while the gravel was being delivered there.

Q. Did you ever hear Mr. Pettigrew have conversations with King?

A. No, sir; King never came there. His son came there

Q. Did you ever hear any conversation between Mr. Pettigrew and King's son?

A. No, sir.

Q. Did you ever hear any between Mr. Pettigrew and Coburn?

A. Coburn never came there.

Q. Well, who came there for Coburn?

A. Well, Welch.

Q. That is, the younger Welch?

A. Yes, sir; and his father, both.

Q. And you never heard any conversation between the Welchs and Pettigrew?

A. No, sir.

Q. But you say you did hear one between Pettigrew and McShane?

A. Yes, sir.

Q. In the shanty?

A. Yes, sir.

Q. Now, state what you heard of that conversation?

A. Well, — in fact, I heard all the conversation, because I happened to be there.

Q. What were you doing?

A. Well, there wasn't any loads coming in, because the teams were off loading, and I was writing up some books so as to keep ahead. I was there alone at that time. This was after Mr. McShane being suspended the first time. I heard Mr. Pettigrew ask him if he was willing to come to his agreement, and Mr. McShane expressed it this way —

"What agreement do you mean?" and Mr. Pettigrew used these very words — he said, "Are you satisfied to give me five cents on the load?"; that is, I will state it as I heard it.

Q. Yes, state it as you heard it.

A. Mr. Pettigrew said that, as long as Mr. McShane got back, he thought it was due him he should get five cents on every load that Mr. McShane should deliver there after that, and Mr. McShane said he was willing, properly willing, to give him that.

Q. Now, that meant taking five cents off the price, didn't it?

A. No, sir — five cents in Pettigrew's own pocket.

Q. What made you think that — heard it at the time?

A. I heard the conversation.

Q. And he said Mr. McShane should give him five cents on every load delivered after that?

A. Yes, sir.

Q. And Mr. McShane said he agreed to do it?

A. Yes, sir.

Q. How many loads were delivered by McShane after that conversation with Pettigrew?

A. Well, I am not sure. I don't know how many loads were delivered.

Q. Well, was half the full supply delivered after that?

A. Over half, and I wish to —

Q. Never mind what you wish to do. Just answer the questions. What else was said, after McShane said he agreed to do that? What did Pettigrew say?

A. Said he would come and see him later.

Q. See McShane?

A. Yes, sir.

Q. Did he say where?

A. Said he would see him at his house.

Q. At whose house?

A. McShane's house.

Q. Did he say McShane's house?

A. Yes, sir, and said if McShane didn't hear from him at his house he would write him a letter to go to his office.

Q. What other conversation took place?

A. That was all at that present time.

Q. Wasn't that rather confidential conversation for Mr. Pettigrew and Mr. McShane to have in your presence?

A. Well, I heard the conversation.

Q. That isn't the question. Did you ever hear them hold any conversations of that nature at any other place?

A. No, sir.

Q. Did you know Mr. Pettigrew very well?

A. I knew of his being superintendent of the Park Department.

Q. Well, had he ever had any conversation with you personally?

A. Yes, he did have a conversation with me in the presence of Mr. Shea, at the Neponset Park.

Q. Well, was that before the conversation as related between McShane and Pettigrew?

A. Yes, sir.

Q. Well, how long before?

A. Well, it was about — when McShane was putting in the filling at first.

Q. At first?

A. Yes, sir.

Q. Yes.

A. I should judge it was about between the first of the month and (pausing) —

Q. Well, sometime during the first of the month, do you mean?

A. Yes, sir.

Q. And where did this conversation between Mr. Shea and yourself and Mr. Pettigrew take place?

A. Well, I happened to be measuring a cart, and Mr. Shea and Mr. Pettigrew came on the ground in a buggy. It was in Mr. Shea's buggy they came. I got through measuring the cart, and Mr. Pettigrew said, "Let me have that rule." I gave him the rule and kept a close eye on the rule, and found that Mr. Pettigrew was not using the right side of the rule. He was using the long inch contents instead of the cubic contents, and after his measuring the load Mr. Shea deliberately turned to Mr. Pettigrew and told him he made a mistake, and then Mr. Shea had to take the paper from Mr. Pettigrew and make it out.

Q. You mean to say that Mr. Pettigrew used the wrong side of the rule in measuring the contents of that cart?

A. He certainly did, yes, sir.

Q. What difference does it make?

A. Well, there is 12 inches to a foot in long measure and 1,728 cubic inches in cubic measure. That is a big difference, I believe.

Q. Yes, so I should imagine. That is the distinction, is it?

A. Yes, sir.

Q. And what did Shea say when he took the paper from Pettigrew?

A. He told him how to measure the cart over, and Mr. Pettigrew then took the rule and measured the cart, under Mr. Shea's instructions, I believe, and understood afterwards how to measure that cart.

Q. Did he actually measure that cart after Shea told him how?

A. Yes, sir.

Q. What conversation took place then, after that?

A. Well, he felt so cheap that he handed me the rule back and got in the buggy and drove off the grounds, to my knowledge, as quick as he could.

Q. Did Pettigrew have any conversation with you at that time?

A. No, sir.

Q. You said he had some conversation with you at another time. When was that?

A. Well, he had some conversation another day he came there, but he didn't refer to any of the measurements of the loads at all.

Q. Well, what did he refer to?

A. He asked me what kind of stuff was Mr. McShane putting in, and I told him that Mr. McShane was bringing in ashes at the time, and I asked him if he wanted ashes delivered instead of filling, and he said "It doesn't make a bit of difference what kind of stuff he is putting in, as long as it is filling," and I asked him where that stuff would be dumped, and he said "Dump it in the brook." There is a brook there where they dump a lot, and it goes out of sight and you can't see it afterwards.

Q. How much stuff is dumped into the brook?

A. I should judge fully one-third of the contents that went into the Neponset Playground.

Q. Wasn't that part of your work — to fill that brook?

A. I never got any instructions to fill that brook.

Q. Do you know whether it was filled?

A. Couldn't be filled, I don't believe — wasn't the last time I was there.

Q. Have any particular kind of filling dumped into the brook?

A. Yes, sir.

Q. What was that?

A. At one time Mr. McShane had a contract in Dorchester to take the ashes.

Q. Was it at this time that he had a contract?

A. No, sir; but he dumped the ashes into his yard.

Q. Do you know this?

A. Yes, sir.

Q. How?
A. They were in the yard.
Q. Whose?
A. McShane's.
Q. And McShane lived at the time in the same place?
A. Yes, sir.
Q. And you saw the ashes there?
A. Yes, sir.
Q. And what quality of ashes were they?
A. The very poorest.
Q. And do you know whether or not those ashes were taken from McShane's yard and brought up there and delivered as filling?
A. I certainly do, yes, sir.
Q. You noticed that they were from that same pile?
A. Yes, sir.
Q. Did you notice any depletion of the pile there after you received the loads at the ground?
A. Afterwards I believe Mr. McShane got on to himself and said: "I don't believe I will deliver any more of that ashes — better start on filling," or gravel, or whatever it is, and he started to haul that in again.
Q. How much ashes was left in the McShane yard when he had gotten through his contract?
A. Well, I wasn't there exactly when Mr. McShane got through his contract.
Q. Well, how much of the ashes was left in his yard when you saw his yard last?
A. Well, I am sure I didn't measure how much was in the yard, so I can't tell.
Q. Well, had half the original supply been exhausted?
A. Yes, sir; I should say over half.
Q. And how many yards of ashes would you say were delivered at the Park by McShane, there?
A. I should judge that one-third of the amount — I could state that over one-third of the amount that was delivered by Mr. McShane consisted of ashes and tin cans.
Q. For filling?
A. Yes, sir.
Q. Now, when Mr. Pettigrew said to you — when he asked you what kind of stuff McShane was delivering, and you told him "ashes," and he instructed you to dump them into this brook, what further was said by Mr. Pettigrew to you at this time?
A. Well, he then asked how deep the gravel was being put, and I told him I went by the instructions I got.

Q. From whom did you get the instructions?

A. I got the instructions from Mr. Shea.

Q. Go ahead.

A. I told him it ran from twelve inches to about two and one-half feet.

Q. The filling?

A. Yes, sir — that is, I would conclude that two and one half feet went into the brook.

Q. Well, do you know the date when you threw it into the brook?

A. No, sir.

Q. Have you any idea how many yards you threw into that brook?

A. Well, I should judge one third, I would state it, one third of the amount of yards that McShane delivered as filling went into the brook.

Q. Well did you throw any good stuff into the brook?

A. I was ordered by Mr. Shea not to — to put that on the road.

Q. Not to put the good stuff in?

A. No, to put that on the road, to make it slope.

Q. Do you know whether or not he was getting the same prices for the stuff put in the brook as for the stuff put on the road?

A. He got the same price, yes, sir.

Q. What else did Mr. Pettigrew say at that time?

A. He then gave directions where he wanted the filling to be dumped on the next day, and I went by his saying and started there. Mr. McShane at this time was hauling alone. There was no other contractor there but McShane at that time.

Q. Well, subsequently did you have any conversation with Pettigrew about filling?

A. I believe I received a letter from Mr. Pettigrew.

Q. No, but did you at any other time have a personal conversation with Mr. Pettigrew?

A. No, sir.

Q. Never had any other conversation with him?

A. No, sir.

Q. Did you ever hear him engaged in any conversation with Mr. McShane or anybody else, while you were present, in any part of the park system?

A. Yes, sir.

Q. Where?

A. In McShane's yard.

Q. Who had the conversation in McShane's yard?

A. Mr. Pettigrew and Mr. McShane.

Q. Was this after this conversation about the percentage?

A. Yes, sir.

Q. Do you remember what day it was on?

A. No, I can't just remember exactly what day.

Q. Do you remember what time of the day it was?

A. I should judge between nine and ten o'clock.

Q. What were you doing in McShane's yard between nine and ten o'clock?

A. There wasn't any teams coming in, and I thought that McShane had laid off hauling in the gravel, and so I went over to see. I had plenty of books wrote ahead, and so I thought I would go and see whether he was going to bring any more, and I see him in the yard filling the teams, and Mr. Pettigrew spoke to him, was speaking to him, while I was there.

Q. What was your extensive staff doing — Hurley and the other man — while you were away?

A. Leveling off the loads put in previous to when I left.

Q. You were in the habit of going to McShane's and leaving your work between the hours of ten and eleven?

A. No, sir.

Q. Did anybody there tell you to stay, or did you go at any time of the day?

A. I believed I had that privilege. Nobody there was authorized to give me any orders. I was authorized to give them their orders.

Q. Consequently you spent considerable time off the job, didn't you?

A. No, sir, it would be an impossibility for me to stay off the job, for the simple reason that I had to measure the carts when they came in and write off the checks, so I couldn't be off.

Q. How far was McShane's house from this playground where you were receiving the loads?

A. Across the street.

Q. Across the street?

A. Well, not exactly across the street, but I will state that it is across from the Neponset Park. We were dumping the filling up farther — well, it isn't four hundred yards.

Q. Well, was it four hundred yards from McShane's yard, where he had the ashes, to the place where you were dumping the filling?

A. Yes, sir.

Q. More than that?

A. No, sir.

Q. Any less?

A. Probably may have been, yes.

Q. About four hundred yards from the yard where the ashes were?

A. Yes.

Q. Now, would it be possible for you to see whether he took ashes or filling from the place where you were supposed to be in the park?

A. Could I see it?

Q. Yes.

A. No, sir; I couldn't. But I could see it when it came in there in the team. That is the way I identified it.

Q. You took this four hundred yard walk on this particular day?

A. Yes, sir.

Q. And was Pettigrew in McShane's yard?

A. Yes, sir.

Q. Did Pettigrew have his buggy there?

A. It was outside.

Q. Who was in the buggy?

A. There was nobody with Pettigrew at that time.

Q. Doesn't Pettigrew have a man to drive him?

A. Not all the time — sometimes he goes alone. He was alone at that time.

Q. But do you know whether he does have anybody to drive him?

A. Yes, sir; he had at that time one man by the name of Joseph McNulty.

Q. Anybody else?

A. Never saw anybody else.

Q. Did anybody drive Mr. Shea at that time?

A. He had somebody, but I don't know just what his name was.

Q. How often did you see Mr. Pettigrew at that time come in his buggy without a driver?

A. Well, he used to quite often, when he would take a pleasure trip like that, leave the McNulty boy at the office at Franklin Park. There was a nursery there, and he used to leave him there. (Laughter.)

Q. That wasn't intended to be funny, of course?

A. No, not at all.

Q. You referred, of course, to the actual nursery there — didn't mean an asylum for the boy, but the nursery in connection with the park?

A. Yes.

Q. As a matter of fact, you did see Mr. Pettigrew drive about alone. Is that a fact?

A. Yes, sir.

Q. Then it was nothing unusual for him to have nobody in the buggy this morning, this time you speak of?

A. Not when he went to Neponset Park.

Q. Now, how was the horse held, if he was held?

A. By a weight.

Q. Who was in the yard besides Pettigrew and McShane when you got there?

A. Well, he was at the barn. There is a driveway going into McShane's yard, runs at the side of Coffey street, and on this side, the right-hand side, as you go into the yard, turn to the right, you go to the barn — go right straight ahead to the dump, and it was between the dump and the barn that McShane and Pettigrew were talking.

Q. How far from Mr. Pettigrew's buggy at that time?

A. Well, I should judge about fifty yards.

Q. And did you join the group?

A. No, sir; I didn't.

Q. What did you say when you came on the ground?

A. I asked Mr. McShane if he was going to take and send any filling in, and he said: "Don't you see the teams getting filled up?" And he was rather eager at that time to get me away.

Q. Where were they filling?

A. Filling the carts in the yard, from the pile of gravel there.

Q. Was there a pile of gravel there?

A. Yes. sir.

Q. Were they piling any ashes in at that time?

A. No, sir.

Q. That was good filling that they were doing then?

A. Yes.

Q. Did Mr. Pettigrew say anything to you?

A. No, he didn't.

Q. Did you say anything to him?

A. Said "Good morning."

Q. Then you heard no conversation at that time between them?

A. No, I didn't hear no conversation; no, sir.

Q. Well, was there any other time that you did hear any conversation with Mr. Pettigrew besides what you have stated?

A. Between Mr. McShane and Mr. Pettigrew?

Q. Well, any time that you have heard Mr. Pettigrew engaged in conversation with anybody?

A. No, sir.

Q. Those are the only occasions?

A. Those two occasions; yes, sir.

Q. Now, why did Mr. Shea, as you understood it, take you from Franklin Park?

A. Well, I don't wish to make this remark —

Q. Well, now, anything you know? We don't want any speeches, or theories, or opinions. What did he tell you he took you from Franklin Park for, if anything?

A. He didn't take me from Franklin Park.

Q. Well, he took you from Jeffery?

A. Out in Bussey Woods.

Q. Pardon me — I was wrong?

A. Yes, sir.

Q. Did you object at the time to leaving Mr. Jeffery?

A. Yes, sir.

Q. Why did you object to leaving Jeffery?

A. For the simple reason that I didn't want to take the responsibility of having anything to do with the loam contract in South Boston.

Q. Did you understand at that time that you were to have anything to do with that?

A. I was ordered to go there by Mr. Shea.

Q. Did he tell you when he sent you there that you were to have anything to do with tallying loam?

A. Yes, sir.

Q. Did you speak to Mr. Jeffery?

A. Well, I felt so bad on leaving Jeffery that I started to cry, and I asked Mr. Jeffery if he wouldn't speak to Shea and let me stay there, and he spoke to Shea, and Shea told him I would have to go.

Q. Well, Jeffery can testify that you took that attitude, when you were asked to go over?

A. Yes, sir. If you wish to call Mr. Jeffery he can state that.

Q. That is a fact?

A. Yes, sir.

Q. When did you have the first conversation with Shea after you left Bussey Park?

A. I never saw Mr. Shea until the day he called me over to the Pine Bank to go to Neponset Park. I never saw Mr. Shea in Marine Park, because he was never over there while the loam was being delivered.

Q. Never showed up there at all?

A. No, sir.

Q. Whether or not Pettigrew showed up there?

A. He showed up about twice while I was there.

Q. Did he have any talk with anybody that you heard?

A. No, sir.

Q. Do you know Timson?

A. Mr. Timson?

Q. The younger Timson?

A. Yes, sir.

Q. What is his name?

A. Well, I don't know exactly his first name.

Q. You don't know it at all, then?

A. I know he is Mr. Timson.

Q. Well, you know Mr. Timson's father is living, don't you?

A. Mr. Timson's father, yes.

Q. And you know that Timson's father works in the Park Department, don't you?

A. Yes, sir.

Q. And you know both those men?

A. Yes, sir.

Q. Now, did you ever get any books from Timson?

A. Yes, sir.

Q. Loam books?

A. Yes, sir.

Q. Now, what was the form you had to go through to get books from Timson?

A. Well, when I worked in Franklin Park Mr. Dolan was in charge of the loam there, and he would always tell Mr. Jeffery to give me an order to get the books at the Pine Bank, and Mr. Jeffery always gave me the order. When I went to South Boston Mr. Weidener used to send his son to the office at Pine Bank for the books.

Q. Well, he gave him an order, didn't he?

A. Yes, sir; and when I went to Neponset I couldn't go to the office to get the books, because I had to be on the ground, and when I would see Mr. Shea or Mr. Pettigrew I would tell them, if I was in need of books, and Mr. Shea would then send the books by the team. That is, I believe, the way the books came.

Q. Do you know of any books you got from Pine Bank that did not come through Mr. Shea or Mr. Pettigrew?

A. They were delivered to me by Mr. Timson. They came from Mr. Timson.

Q. But did you ever get any books from Timson other than the books you got on the order of Shea and Pettigrew?

A. Did I? No, sir, never.

Q. Now, Kelly, can you account for seven or eight books being in existence in Neponset that did not come through your hands?

A. I claim —

Q. Never mind what you claim. Do you know how they could be in your neighborhood there and be marked up without your knowing it?

A. Well, I don't see what reason they would have to give them, but I know that they were given.

Q. Well, that Mr. Shea testifies to. But do you know yourself how they could have gotten over there to Neponset or into the hands of McShane?

A. He went to the office and got them, and they were delivered to him from Mr. Timson.

Q. Well, the eight books, representing 800 checks, which Mr. Shea has testified to as going through the office, never passed through your hands?

A. I never received those books at all. McShane delivered those at the office.

Q. Did your accounts there on stubs tally exactly when you were giving receipts?

A. Always did, yes, sir.

Q. Sure of that?

A. Yes, sir.

Q. Were you ever criticised for having any of the stubs you turned in not in accordance with the checks?

A. I believe when I went to the office Mr. Shea spoke to me about one book, and he said there was one team there that was credited with more loads than it could have brought in one day. I told Mr. Shea I didn't have books at that time, and when I got the book I made up the amount of loads due on that team, gave them to the man from the book.

Q. That wouldn't account for 800 checks, would it?

A. I never had anything to do with any forged tickets in Neponset Park.

Q. You say you never took any part with McShane in defrauding the city there or attempting to defraud the city?

A. No, sir.

Q. Well, you did see some person in McShane's house make out checks, didn't you?

A. Yes, sir.

Q. You knew that?

A. Yes, sir.

Q. And you knew that was fraudulent?

A. Well, it didn't interest me, because —

Q. You knew that wasn't honest. Answer the questions and it will save trouble. You knew it wasn't honest?

A. Yes, sir.

Q. Ever make any complaint?

A. Yes, sir.

Q. To whom?

A. To Mr. Shea.

Q. Before you were called over?

A. I didn't see Mr. Shea between those times, and I didn't have a chance to make a complaint.

Q. Now, did you ever get any money from Mr. McShane?

A. Yes, sir.

Q. Well, on how many occasions?

A. Gave me $5 one time and $2 on another.

Q. How did he give you $5? When was it and how was it?

A. Gave me $5 to take and enjoy myself on Labor Day.

Q. Did you ask for that?

A. No, sir.

Q. Did he ever charge you for meals you took at his house?

A. I was invited there by special request. (Laughter.)

Q. You knew he was keeping a boarding-house, didn't you?

A. He used to keep men working there for him by the month, and they used to stay there, board there.

Q. Well, you never offered him any pay for board?

A. No, sir.

Q. Then, at Neponset Park you didn't directly take any part in trying to defraud the city?

A. No, sir.

Q. Is that so?

A. Yes, sir.

Q. At Marine Park you have said that you did assist in defrauding the city. Is that so?

A. I didn't understand it.

Q. Never mind whether you understood it or not, you have testified, haven't you, that you did actually take part in making out checks that men were not entitled to?

A. Yes, sir.

Q. Now, is there any other part of the city where you made out checks?

A. Only in those three places.

Q. What three?

A. Franklin Park, Marine Park and Neponset Park.

Q. What did you do at Bussey? Anything to do there at all with actually giving checks?

A. I measured four loads of block stone there. They were delivered by Welch, the contractor from Brighton.

Q. Do you know a man named Kelty, or Keilty?

A. No, sir.

Q. Didn't know anything about him?
A. No, sir.
Q. Where did Terence Griffin come from?
A. Came from South Boston.
Q. Was Terence at Neponset before you were?
A. He was sent there to assist me afterwards, after I came there.
Q. Do you know whether or not he was ever called to the office for any accounting?
A. He never was, I don't think.
Q. Well, now, how many books actually should you say you received at Neponset — check books?
A. I believe there were over 40 — I believe there were over 40 altogether, including books that I claim was delivered to Mr. McShane, the contractor.
Q. Well, I mean, have you any idea whether 31 books are correct, as far as McShane's account goes?
A. That I received?
Q. Yes?
A. Well, that I couldn't state. I couldn't state that, because I don't know.
Q. Now, do you remember calling upon Mr. McShane three weeks ago?
A. I never called on the man, no, sir.
Q. Three weeks ago?
A. No, sir.
Q. Do you remember asking money from him?
A. Do I remember asking money from him?
Q. Yes — just answer the question?
A. No, sir.
Q. Never mind any unnecessary emotion over it. Did you ever ask him for money pending this investigation?
A. No, sir.
Q. Did you know anything about this investigation three weeks ago?
A. Simply read about it in the paper.
Q. Did you read about it in the paper as far back as three weeks ago?
A. No, sir; I don't think I did.
Q. When were you in Neponset last?
A. One night skating, this winter.
Q. More than three weeks ago, wasn't it?
A. Yes, sir.
Q. When were you at McShane's house last?
A. I haven't been at McShane's house since I left Neponset Park.

Cross-Examination.

Q. (By Mr. MATTHEWS.) Where was this talk you say you heard between Mr. Pettigrew and Mr. McShane, in regard to McShane's knocking five cents per load off the price?

A. At the shanty, at Neponset playground.

Q. How large a shanty is that?

A. Well, it is big enough to hold three.

Q. Is it 10 feet square?

A. Well, it probably may be that large, yes.

Q. About that size, isn't it?

A. It is as big as any ordinary shanty.

Q. Well, about 10 feet square — or bigger or smaller?

A. I would state that it is about 10 feet square, yes.

Q. You leave it that way?

A. Yes.

Q. Now, who was present there?

A. I was present there, Mr. McShane was present there, and Mr. Pettigrew was present there.

Q. You three persons were in a shanty about 10 feet square?

A. Yes, sir.

Q. Was this conversation carried on in an ordinary tone?

A. It was carried on loud enough for me to hear it.

Q. There wasn't any attempt to lower their voices, was there?

A. Yes, sir.

Q. Oh! There was? But it was loud enough for you to hear it just the same?

A. Yes, sir.

Q. In a shanty ten feet square?

A. Yes, sir.

Q. Two men talking together in a shanty ten feet square?

A. My desk was near enough to hear them.

Q. You weren't right at the desk?

A. Yes, sir.

Q. Must have been quite close to them?

A. I was, yes, sir.

Q. And you heard this conversation under those circumstances?

A. Yes, sir.

Q. And what you heard was that Mr. Pettigrew wanted Mr. McShane to knock five cents per load off his price?

A. Not to knock it off the price, but to give it to him.

Q. What did he say?

A. "Now, as long as I am letting you go back, I believe you ought to allow me, for my special benefit, five cents on each load delivered after this."

Q. Did he say "special benefit?"

A. He said: "Give it to me for my own self."

Q. Well, you didn't state it that way before?

A. Well, he got it. It was to go to Mr. Pettigrew.

Q. How do you know he got it?

A. Well, he did.

Q. Wait a moment. Do you know anything at all about it?

A. I know he got it.

Q. How do you know he got it?

A. Because I seen him give it to him.

Q. Saw who giving it to whom?

A. I seen McShane hand it to Pettigrew.

Q. What? Five cents?

A. No, sir.

Q. How much?

A. I should judge — I don't know how much was in it, but I know he handed him an amount of money in bills.

Q. When did he do that?

A. Right in the yard, this morning when I went over there to ask if Mr. McShane was delivering filling.

Q. Why didn't you tell about that when Mr. Lundy asked you what you saw in the yard that morning?

A. Well he didn't ask me that question.

Q. Well he asked you about 50 questions as to what you heard and saw that morning. Why didn't you speak about that?

A. He didn't ask if I saw McShane offer Pettigrew money, therefore I didn't see any need of answering.

Q. Did you tell Mr. Lundy before you went on the witness stand this afternoon that you saw McShane give Mr. Pettigrew money?

A. Did I?

Q. Yes.

A. He never asked me before I went on the witness stand.

Q. And you never told him that?

A. No, sir.

Q. Didn't Mr. Lundy ask you what you knew about Pettigrew?

A. Before I took the stand?

Q. Yes.

A. No, sir.

Q. Have you ever had a talk with Mr. Lundy about this five-cent conversation?

A. No, sir.

Q. You mean to say that you never told Mr. Lundy before you took the witness stand this afternoon about the conversation between Pettigrew and McShane about knocking off five cents from the price per load?

A. I told him when I took the witness stand that I would tell something both very interesting and surprising. (Laughter.)

Q. But you didn't tell him what it was?

A. No, sir.

Q. Well, I guess it surprised him. (Laughter.)

Mr. LUNDY. — He is doing that right along. (Laughter.)

Q. (By Mr. MATTHEWS.) Now, why didn't you state this afternoon, when you first told this story that Mr. Pettigrew said that this five cents was to be for his special benefit — why didn't you put that in when you were answering Mr. Lundy's question?

A. It simply came into my mind, and I didn't hesitate at all in telling it.

Q. It has come into your mind since, hasn't it?

A. Yes.

Q. Yes; I thought so. What was the price that Mr. McShane was then getting?

A. Getting for this stuff?

Q. Yes?

A. I believe 45 cents — supposed to get 45 cents, but I believe Mr. Pettigrew got the extra five cents.

Q. That is to say, McShane only got 40 cents, but the city had to pay 45 cents? Is that the idea?

A. The city was to pay 45 cents to McShane.

Q. Yes?

A. And McShane was to give five cents for each load delivered to Mr. Pettigrew.

Q. Now, I want you to be particular about this. I don't want you to come in to-morrow, or the day after, or next week some some time, and tell something that you have "thought of since."

A. I am very exact.

Q. Answer the question, once and for all — the city of Boston was to pay McShane 45 cents a load, and McShane was to give Pettigrew five cents a load? Is that it?

A. That was the understanding.

Q. So that the net sum that McShane was to get was 40 cents a cubic yard?

A. Well, he didn't get 40 cents from the city, but 45 cents.

Q. Exactly, but the net amount he was to get was 40 cents.

A. Yes, sir.

Q. You leave it that way, that the city was to pay McShane 45 cents, and McShane was to give Pettigrew five cents?

A. Yes, sir; that is just right.

Q. Now, is there any danger of your coming in tomorrow morning or next week and telling a different story?

A. I don't see why I should.

Q. No, I don't see why you should. But is there any danger of it?

A. No. sir.

Q. You stick to that?

A. I certainly do so.

Q. Now, do you know what price the city of Boston paid McShane?

A. McShane?

Q. Yes.

A. I heard that when Mr. McShane first started to put in the filling there he was getting 65 cents a yard.

Q. Yes. Go on?

A. Then afterwards Mr. McShane was knocked off — he didn't tell me why he was knocked off, but he rode and met me on a cart and called me off —

Q. Never mind about that. What price did the city of Boston pay McShane — 65 cents a load to start with?

A. Either 60 cents or 65 cents at first.

Q. And then came down to 45 cents?

A. Yes, sir; down to 45 cents.

Q. You want to stick to that, do you?

A. Well, I have got it from Mr. McShane.

Q. And you want this committee to understand, then, that the city of Boston was to pay and did pay McShane at the rate of 45 cents per load after the price had been cut down from 65 cents?

A. Mr. McShane told me so, and I took it for granted.

Q. Well, what else did you take for granted?

A. Well, I —

Q. You took it for granted that Mr. Pettigrew was going to put this five cents in his pocket?

A. I knew it.

Q. Because you saw McShane give him a lot of bills?

A. I saw him do so, and didn't see him give any money back, and change, either.

Q. Took all there was?

A. Took all there was, and I guess he was glad to get it.

Q. Now, do you know what the city of Boston paid McShane?

A. No, sir.

Q. You would be a little surprised to learn that all the city of Boston paid McShane was 40 cents, wouldn't you?

A. For all he delivered there?

Q. From the time when the price was reduced from 65 cents, you would be surprised to learn that all the city paid him was 40 cents, wouldn't you? You have been giving surprises to other people — let us see if you can't be surprised?

A. I have Mr. McShane's word that he got 45 cents a yard. That is all I know about it.

Q. Well, after this conversation with Mr. Pettigrew about the five cents, what did McShane get, as far as you know?

A. He told me that he got 45 cents.

Q. And I suppose McShane told you also that he paid Pettigrew five cents, didn't he?

A. No, sir; he didn't tell me, because I overheard the conversation and knew he was going to get it.

Q. And he knew you had overheard it, I suppose? To come back to the question, you would be a little surprised, wouldn't you, to find out that the actual arrangement between the city of Boston and Mr. McShane, made by Mr. Pettigrew and McShane, was for filling at 40 cents, and not at 45 cents. Come, speak up! Would you be surprised or not?

A. Well, give me a little time.

Q. I think perhaps you may need a little time, after the story you have told this afternoon. Take all the time you want — just answer the question. You have been telling the committee a story of fraud, young man — fraud!

A. I am glad you think so.

Q. Now, let us find out where it is. Answer the question — would you be surprised to find that the city of Boston paid this contractor 40 cents a load, and not 45 cents?

A. I don't know as it would surprise me, anyway. I don't take any interest in what they pay them. It doesn't matter to me.

Q. If the city paid McShane 40 cents, instead of 45 cents, then the city got the benefit of the five cents?

A. No, sir.

Q. Why not?

A. Because Pettigrew got it.

Q. Suppose the city of Boston paid 40 cents, that the five cents was to be deducted from the 45 cents and that all the city of Boston paid was 40 cents the city then didn't lose five cents, did it?

A. No matter what the city of Boston paid McShane, Pettigrew got his five cents. (Laughter.)

Q. You stick to that, do you?

A. Yes, sir.

Q. No matter if the whole benefit of this five cents went to the city of Boston, you still stick to your story that Pettigrew put it in his own pocket?

A. I certainly do.

Q. That is the way you want to leave it?

A. Yes, sir.

(Mr. Matthews at this point submitted a letter to Commissioner Pratt from Superintendent Pettigrew, under date of September 7, 1898, which will be found as "Exhibit 54," at close of day's hearing.)

Mr. MATTHEWS, in submitting the letter, said:

Mr. Chairman and gentlemen, I would like to read this letter, which will spike this witness' testimony on this point, and will enable the committee to decide where the fraud is.

Mr. LUNDY. — Mr. Chairman, that doesn't spike anything, necessarily.

Mr. MATTHEWS. — What do you mean? This witness says that he overheard a conversation, in which it was agreed that the price per load was to be 45 cents, and that Mr. McShane was to give Mr. Pettigrew five cents.

Mr. LUNDY. — Well, I don't stand for anything this witness has said at all.

Mr. MATTHEWS. — Then what do you put him on for?

Alderman CODMAN. — I object, Mr. Chairman.

The CHAIRMAN. — This is somewhat irregular.

Mr. LUNDY. — I suppose arguments are hardly in order at this time, Mr. Chairman.

The CHAIRMAN. — No. I think we had better proceed with the examination of witnesses, and after that is finished we can get at the arguments.

Q. That is all, Mr. Kelly.

Mr. MATTHEWS. — No, it is not all. It is all just now.

TESTIMONY OF JAMES B. SHEA. — *Recalled.*

Q. (By Mr. MATTHEWS.) Do you know at what price the city of Boston settled with McShane for filling?

A. Yes, sir.

Q. Have you a memorandum of the McShane transaction?

A. I have some memorandums.

Q. Can you state what these stub books foot up, and how the computation was made?

A. Yes. The stub books, which are now in the possession of the committee, foot up $1,586.34.

Q. Now, state how these sums are reached — how that sum is reached?

A. Under the first agreement or contract with McShane there were delivered 1,077.81 cubic yards, at 65 cents a yard, making $700.58. On this second agreement there were delivered 2,214.44 cubic yards at 40 cents a cubic yard, making $885.76.

Q. And the total would be $1,586.34.

A. Yes. You understand, Mr. Chairman, that is the amount that would be represented by the stubs or checks if they were all to be paid for by the city.

Q. That is the aggregate amount represented in dollars and cents by the 31 stub books you have produced this morning?

A. Yes, sir.

Q. And you say the amount is?

A. $1,586.34.

Q. What did the city pay on that bill?

A. $933.

Q. That is a discount of about 41 per cent., isn't it — 40 per cent.?

A. Yes, sir.

Cross-Examination.

Q. (By Mr. LUNDY.) What do you mean by that "discount" — fraudulent checks?

A. I mean that McShane was paid $933.

Q. On a legitimate bill of $1,586.34?

A. I didn't say it was legitimate.

Q. Why was that discount made, then, with Mr. McShane?

A. It means that Mr. Pettigrew conferred with McShane's attorney and told him that his bill was excessive, that the amount represented was not delivered.

Q. Well, then, it is on fraudulent checks presented, isn't it?

A. Yes.

Q. And you know that Mr. Pettigrew based his claims upon these surplus checks, didn't he?

A. He based his claims on the amount which he was certain was delivered.

Q. Yes.

A. And gave such leeway that the city would not pay for even as much as, in his opinion, was delivered there.

Q. Where do you get those figures?

A. This is a copy of the total amount of the checks figured in the office.

Q. Yes, and all you know is what you take from the bare figures now?

A. Yes.

Q. You don't know anything about Mr. Pettigrew's conversation with Mr. Moran, do you?

A. Not to be able to testify to this committee.

Q. Well, anything that Mr. Pettigrew told you?

A. Yes. I do know something about it.

Q. Did you have any conversation with Mr. Pettigrew before Mr. Moran adjusted this matter?

A. Yes, before the final adjustment I did.

Q. And didn't you furnish Mr. Pettigrew with the figures on this loam?

A. I furnished Mr. Pettigrew with figures that would give him a chance to form an opinion as to how much material was really delivered.

Q. Well, now, you know that Mr. McShane never claimed 65 cents a load after the time he agreed to supply it for 40 cents, don't you?

A. He did not.

Q. Then the difference between the $933 paid under compromise with the city of Boston to McShane and the $1,586.34 that he claimed represents fraudulent checks, doesn't it?

A. It does.

Q. Practically that?

A. Yes.

Q. And Mr. Pettigrew based his objections on those fraudulent checks?

A. Yes.

(Mr. Matthews offered at this point a copy of the receipt for $933, which will be found as "Exhibit 55," at close of day's hearing.)

TESTIMONY OF MR. MCSHANE. — *Recalled.*

Q. (By Mr. MATTHEWS.) You heard Kelly's testimony in regard to the conversation between you and Mr. Pettigrew about the 5-cent reduction?

A. Yes, sir.

Q. Any truth in it?

A. No, sir; none at all, whatever.

Q. Did you ever agree to give him 5 cents a load?

A. No, sir.

Q. Did you ever offer him any money?

A. I have never seen him at Neponset.

Q. Never saw him there?

A. No, sir; never in my yard — never drove a team into my yard any more than you did, sir.

Q. You said something about 45 cents in your replies to Mr. Lundy's questions. You mentioned the figure 45?

A. Well, I may probably have made a mistake on the two figures — it may be 40 cents, perhaps, instead of 45 cents.

Q. Isn't this what happened — that Mr. Pettigrew beat you down five cents, to forty cents?

A. I may have mistaken when Mr. Pettigrew told me that these other men were putting it in for forty. I may have thought it was forty-five.

Q. Do you remember any conversation about forty-five cents?

A. No, no conversation at all — never saw the man at Neponset, good or bad, never saw him in my yard.

Q. And you never had this conversation that Kelly has testified to about five cents?

A. No, sir; he was never in my yard.

Cross-Examination.

Q. (By Mr. LUNDY.) You have one of those adjustable memories, and you change your testimony now to the extent of five cents, don't you?

A. I don't know.

Q. You know you have?

A. I didn't say at the time whether it was forty-five or forty.

Q. Pardon me — you have testified that it was forty-five cents. You have also testified, in answer to Mr. Matthews' question, that Mr. Pettigrew beat you down five cents.

A. No, I haven't.

(At Mr. Lundy's request the stenographer repeated the following:

"Q. Isn't this what happened — that Mr. Pettigrew beat you down five cents, to forty cents?

A. I may have mistaken when Mr. Pettigrew told me that these other men were putting it in for forty. I may have thought it was forty-five."

Q. Now, when did you have this conversation with Pettigrew, where you discussed the forty cents, and where did you have it?

A. This was after I put in the five hundred or six hundred yards for sixty-five cents.

Q. I know, but where did you have the conversation?

A. At his office at Pine Bank.

Q. And he never came to your place in Neponset?

A. No, sir; never put foot in the yard.

Q. Did you ever have a pile of ashes in your yard?

A. No, sir; never had any.

Q. You never recall excavating a place where they had ashes?

A. Yes. I had ashes down in the field.

Q. Didn't you supply ashes to the city?

A. Yes, some.

Q. And didn't you supply some to the city there for filling?

A. Yes, sir.

Q. Weren't they thrown into the pool?

A. Yes, sir, and they were all right — thrown into the creek — good filling.

Q. Yes, good filling for a creek, but when the real gravel was put in there it wasn't thrown into the creek, was it?

A. Put over the ground.

Q. Then, when Kelly says that these worthless ashes, or ashes supplied for filling, were thrown into the creek, he testifies truthfully?

A. I don't know why some ashes don't make good filling.

Q. Well, there was no good gravel thrown into the creek?

A. Didn't get gravel at all — nothing but common filling.

Q. Well, there was no common filling thrown into the creek?

A. Yes, there was, lots of filling thrown about the creek.

Q. And you never had any conversation with Mr. Pettigrew at the shanty?

A. Never saw him there.

Q. Did Mr. Shea come over there at all?

A. Ever come to my place?

Q. Yes?

A. I never saw him there.

Q. And you agreed to supply these last loads, you say now, at forty cents a yard? Is that so? Is that the best of your recollection now?

A. I may have mistaken the word that Mr. Pettigrew said. He probably might have said forty and I may have thought it was forty-five. I might have mistaken what Mr. Pettigrew said.

Q. Yes, but you are something of a business man, Mr. McShane?

A. Yes.

Q. And five cents on the yard, when you are delivering hundreds of yards, amounts to something?

A. Certainly.

Q. You don't mean to say you are so stupid in your business dealings that you didn't figure on five cents in making up your bill?

A. I didn't make up any bill, — the bill I made up I didn't get paid for.

Q. No, we understand that, because it was not based on legitimate checks. But you didn't figure on forty-five cents a yard when you put in the bill for $1,800, or whatever it was?

A. I haven't any idea whether I figured forty-five cents or forty cents.

Q. Would the clerk in Mr. Moran's office who did your figuring know?

A. I don't know whether he would or not.

Q. He would be likely to know it when he made up your bill for you?

A. I think he would.

Q. Now, did you get paid on the basis of forty cents a load? Do you know that?

A. No.

Q. You don't know that?

A. No.

Q. Will you say you never gave five cents a load to Mr. Pettigrew — whether you got thirty, forty, forty-five or fifty cents a load?

A. No, sir; I never did.

Q. You never paid any amount to him?

A. No, sir.

Q. Did you pay five cents a load to anybody representing Mr. Pettigrew?

A. No, sir.

Q. To anybody? Anyone?

A. No, sir.

Q. How did you get your contract?

A. Had the filling at hand.

Q. I understand how you got the filling, but didn't you have anybody speak to Mr. Pettigrew in reference to a contract?

A. No, sir. I understood they needed it on the park, and I went over.

Q. Did you have to bid against anybody?

A. He asked me what I would put it in for, and I told him, I think, sixty-five cents. He asked if I could deliver it out as far as where they wanted it on the park for sixty-five. I told him I thought I could, and he told me if I could I could have the job.

Q. Mr. Pettigrew accepted your filling at that time for sixty-five, did he?

A. Yes.

Q. And how long after that did he think forty or forty-five would be proper?

A. After I got this road built.

Q. After the corduroy road was completed, he thought you were charging too much?

A. Yes, sir, — could get it cheaper from other people.

Q. You never had any conversation with Mr. Pettigrew when he decided to let you go on to that work again?

A. Yes, sir. I went over to see Mr. Pettigrew — wanted to know if there was any trouble or neglect on my part. He said: "No, it is a matter of price." He said: "You can go in and put in filling at the same price as the other man."

Q. Was the other man putting any in at that time?

A. I suppose he was, yes.

Q. Do you know?

A. Yes, sir; he was.

Q. (By the CHAIRMAN.) I understood you to testify that when you made the agreement for the reduction in the price of filling you didn't know whether it was to be forty or forty-five cents?

A. I wasn't sure whether it was forty or forty-five. I may have mistaken the word from Mr. Pettigrew.

Q. Do you know now what it was?

A. I don't really know now what it was.

Q. You don't?

A. I wouldn't really say now whether it was forty or forty-five.

Q. (By Mr. MATTHEWS.) You mean to say that you have forgotten?

A. Yes, sir; I have quite forgotten.

Q. (By Alderman GERRY.) I would like to ask a few questions, Mr. McShane. You filled in there with ashes, more or less?

A. Some ashes — not a great many.

Q. Well, do you know what the price was for those ashes per load or yard, or whatever it was, whatever the measurement was?

A. Well, I think there was some of the ashes — I think the biggest part of them was about forty cents a yard, ashes or filling.

Q. In other words, you got as much for ashes as for other filling?

A. Yes, sir — good ashes, and good for the ball ground, where the boys played.

Q. I mean for the ashes that went into the creek?

A. Yes.

Q. Well, now, is that the price for ashes?

A. Well, ashes is worth — I got last summer a dollar and two dollars a load for ashes.

Q. Then ashes are worth as much as other filling, are they?

A. Yes, sir; just as good as anything else — good, dry ashes dumped on is as good filling as you can get.

Q. I only wanted to know the price of ashes — that was all.

Q. (By Alderman CODMAN.) Mr. McShane, at the time they knocked you off on the 65 cent filling, was that the time when they commenced to put in that filling or gravel that they got out of the new school-house cellar?

A. That was about the time.

Q. Do you know of any gravel except yours that was sent to that playground, except what came from that cellar excavation of the Dorchester High School?

A. Well, Jim King hauled in quite a lot.

Q. Some of his own gravel?

A. No, where they were digging out cellars on new King street — digging out there, and he hauled in quite a lot of it.

Q. The filling you got was from cellars?

A. No, I took mine from the top of the gravel bank — red loamy stuff.

Q. As a matter of fact, the reason why they got that gravel afterwards so cheap was because a street was being built, and these people were glad of an opportunity to dispose of it at forty cents.

A. Yes, they had no place to dump it, and by this they were getting something for hauling it there.

Q. It was not only an accommodation to Mr. Coburn, who had the contract for building, to get rid of it, but the park people, also, thought it was a good chance to get it cheap?

A. Yes, sir. It didn't more than pay the teams for hauling it — didn't more than pay the men for picking out the gravel and taking it in the team.

Q. And you had to compete against that kind of work?

A. Yes, sir; I had the stuff handy, and wanted to get it off my gravel bank.

Q. (By Mr. LUNDY.) What is Mrs. McShane's first name?

A. Margaret.

Q. (By the CHAIRMAN.) Taking this receipt, do you say that the Park Department owes you in the neighborhood of $653.35?

A. No, sir; I say I settled with them in full, for the sum they gave me, as shown by that receipt.

Q. You settled with them in full?

A. Yes, sir.

Q. And that receipt here is in full settlement?

A. Yes, sir.

Q. Then, you don't claim that they owe you a cent?

A. No, sir; I was advised to go to law, but I needed the money, and thought I had better get done with it and get through with it.

Q. Do you say that you delivered some filling that you haven't got paid for?

A. I have settled for the whole thing.

Q. That isn't what I asked you. Did you deliver either loam or filling there in excess of what you have been paid for, beyond what this $933 amounted to?

A. Oh, that wouldn't probably cover all the stuff I put in there — I don't think so — but I settled for the whole thing for that amount.

Q. You put in a bill of $1,586.35?

A. Yes, sir.

Q. What did you do that for, if they didn't owe it to you?

A. They did owe it to me.

Q. Then you gave the city of Boston $653.35?

A. Yes — thought I might as well settle it for that as go to law.

Q. That is a good discount?

A. Yes, sir.

Q. You are satisfied with that?

A. Well, I would lose my time, wouldn't I? That would be worth something.

Q. You call that a good discount, don't you?

A. Well, the lawyers would probably get the rest of it. I thought it was six of one and half a dozen of the other, and thought I would settle it up and stop it.

Q. Did you ever know the city of Boston to try to get a discount from people it had contracts with?

A. No, I didn't.

Q. Why did they demand it from you?

A. I couldn't wait any longer — waited fourteen or fifteen months, and if I had gone to law would have had to wait a couple of years.

TESTIMONY OF WILLIAM P. KELLY. — *Recalled.*

Q. (By Mr. MATTHEWS.) I show you stub book 123, with 100 stubs in it — they are all signed, "W. K.," aren't they?

A. Yes, sir.

Q. Now, which of those were really signed by you, and which not?

A. Now, just give me time to look them over.

Q. I will give you all the time you want.

A. Yes, sir. (Examining book.) Those first fifteen are in my handwriting.

Q. The first fifteen are in your handwriting — and the others are not?

A. No, sir.

Q. No. 16 is not in your handwriting?

A. No, sir.

Q. Look at it again.

A. (Examining stub.) It is not in my handwriting.

Q. Now, try 31.

A. (Examining stub.) That isn't my handwriting.

Q. None of those are?

A. No, sir.

Mr. MATTHEWS. I would like to show this book to every member of the Committee (showing book to committee). This witness says that the first fifteen stubs were signed by him, and that the stubs in the remainder of the book were not. I would like to ask each member of the committee to take that book in his hand and compare the handwriting, the signatures on the fifteen, which he admits that he wrote, with the other 85 — not simply the signature, but also the rest.

The CHAIRMAN. — He says that those beyond these fifteen are not his signatures.

Mr. MATTHEWS. — They all purport to be signed by him, but he says he didn't actually sign them. I would like to have the committee constitute themselves experts in handwriting on these stubs. (The committee examined the handwriting on the stubs.)

Q. (By Mr. MATTHEWS.) Now, Kelly, take book numbered 239. Those stubs are all signed "W. K.," aren't they?

A. Yes.

Q. And which of those did you write and which of them didn't you write?

A. Well, as long as you are going to examine the whole of the book, I may as well examine it. (Examining book.) I wish to speak to Mr. Lundy a moment.

Q. I don't wish you to speak to anybody. I wish you to tell me which of those you wrote and which you did not write?

A. Well, I wish to say that when I examined the books before, I didn't look all through them.

Q. I wish the committee to pay attention to this. I have called the witness' attention to book 239, and have asked him to identify the checks he signed and the ones he did not sign, and he is trying to do it. What is the trouble, Mr. Kelly?

A. There isn't any trouble; but I see you take lots of time examining the books, and I think I am entitled to the same time.

Q. You wanted to consult with Mr. Lundy a moment ago, didn't you?

A. Not on this matter at all.

The CHAIRMAN. — The witness will please go on examining his books, and not talk.

Q. (By Mr. MATTHEWS.) Are all these stubs which you signed?

A. From No. 32 is not mine, to 100, and from 1 to 3 is not my handriting; 17 is not my handriting; 22 is not my handwriting, and 32 is not my handwriting. The rest is.

Q. I thought you said before, from 32 on?

A. Thirty-two is not my signature, my handwriting.

Q. Then, 32, 33 and so on, up to 100, are not in your handwriting?

A. No, sir.

Q. Now, those are the same ones you identified when Mr. Lundy asked you the question?

A. He didn't give the whole book to examine through.

Q. He gave you the book?

A. He showed me the book, and asked if it was my handwriting.

Q. Didn't you look the book over at that time?

A. Yes, sir; and I had the part marked out that was not in my handwriting.

Q. Did you put a mark on the stubs?

A. No, sir; I did not.

Q. You haven't identified the same ones now that you did a little while ago?

A. The same in the books.

Q. How do you account for the fact that you are not telling the same story that you did an hour ago?

A. I think I am.

Q. You think you are?

A. I think I am.

Q. Well, leave it that way. The record will show. Did I understand you to say that you did not go to Mr. McShane's house within three weeks?

A. Did I go there? No, sir; I did not.

Q. Or his yard?

A. No, sir.

Q. Or his place?

A. No, sir.

Q. Anywhere near him?

A. No, sir.

Q. For six months, say?

A. No, sir.

Mr. MATTHEWS. — (Handing a slip of paper to Mr. McShane.) Will you have those witnesses here at the next meeting, Mr. McShane?

Mr. MCSHANE. — Yes, sir.

The CHAIRMAN. — Mr. Lundy, are you through with Mr. Kelly, the witness?

Mr. LUNDY. — I am at this time, yes, sir.

The CHAIRMAN. — We would like to have you get through with the witnesses as rapidly as possible.

Mr. LUNDY. — As far as any direct testimony goes, I am through with Kelly.

The CHAIRMAN. — Unless you desire to call him in rebuttal?

Mr. LUNDY. — Yes.

The CHAIRMAN. — Mr. Kelly, we are through with you.

Mr. LUNDY. — Now, Mr. Matthews, do you count on Mrs. McShane appearing here?

Mr. MATTHEWS. — I do not.

Mr. LUNDY. — Well, there were some witnesses you spoke of having. If you don't want Mrs. McShane, I shall want her summoned.

Mr. MATTHEWS. — Well, you summon your own witnesses.

Mr. LUNDY. — (To the Clerk.) Summon Mrs. Margaret McShane.

TESTIMONY OF PATRICK DONOVAN.

Q. (By Mr. LUNDY.) What is your full name, Mr. Donovan?

A. Patrick Donovan.

Q. Where do you live?

A. 280 Third street, South Boston.
Q. Are you in the employ of the Park Department?
A. Yes, sir.
Q. And how long have you been employed there?
A. About sixteen years.
Q. What do you do for them?
A. Well, I don't know — general work.
Q. Well, where are you located at the present time?
A. City Point.
Q. Been suspended at all the last year?
A. No, sir.
Q. You are at present working there. Do you know William Kelly?
A. Yes, sir.
Q. Did you know him when he worked at Marine Park, South Boston?
A. I seen him working there.
Q. And you knew Mr. Weidener, of course?
A. Yes, sir.
Q. And you knew Mr. Weidener's son?
A. Yes, sir.
Q. And Mr. Abbott?
A. Yes, sir.
Q. And both the Eichorn Brothers?
A. Yes, sir.
Q. In fact, the three of them?
A. Yes, sir.
Q. Do you know whether or not Mr. Weidener had a boat, yacht or dory at South Boston?
A. Yes, had a little yacht, twelve feet long.
Q. Did he have a dory besides that?
A. No, sir.
Q. Do you remember when Weidener got that boat?
A. I do — I remember when he got it.
Q. Do you know where he got it?
A. He got it on the beach, as far as I know of.
Q. Found it on the beach?
A. Yes.
Q. Do you know Martin Connolly?
A. A working man; yes, sir.
Q. Do you know Anthony Connolly?
A. Yes, sir.
Q. Do you know whether or not Anthony Connolly ever does any painting?
A. Yes, sir.
Q. Did you see Anthony Connolly painting Weidener's boat?

A. I did, Saturday afternoon, on his own time.

Q. Now, you take particular trouble to state that, don't you?

A. Well, that is all I see.

Q. Does the Park Department have a holiday Saturday afternoons?

A. Yes, sir.

Q. Did you see him do any painting at any other time?

A. Not to my knowledge.

Q. You knew you were going to be summoned to testify to this?

A. No, sir; I did not — never knew I was to be summoned until noon time. I was working.

Q. Have you talked with any of the park employees about this?

A. No, sir; not one.

Q. Now, did you see Mr. Eugene Eichorn —

A. Yes, sir.

Q. Listen to the question — and Kelly in conversation?

A. Yes, I did, often.

Q. Well, were they pretty familiar?

A. Yes, sir.

Q. Do you remember ever buying a drink for Kelly?

A. Do I remember buying a drink for him?

Q. Yes.

A. No. I drank with him — I remember him buying one for me.

Q. But you never did for him?

A. No, sir.

Q. You know where Wheelock's bar-room is?

A. I do, well.

Q. Go there often?

A. Yes, sir.

Q. See Kelly there often?

A. Yes, sir.

Q. Do you remember any day when Kelly came to you and told you he was sick and needed a drink?

A. No, I don't, sir.

Q. And you are positive that you never bought him a drink?

A. Not to my knowledge.

Q. Did Kelly ever borrow any money from you?

A. No, he did not, sir.

Q. You have no recollection, then, of ever lending or giving a one-dollar bill to Kelly?

A. No, I have not.

Q. Do you remember whether or not Kelly ever told you he would borrow a five-dollar bill, or five dollars in money, from Eugene Eichorn?

A. Not to my knowledge — I never remember it.

Q. Do you ever remember him borrowing money from Eugene Eichorn?

A. I have heard him speak of it there.

Q. Heard him say he had?

A. Yes.

Q. Did you ever hear him ask Mr. Eichorn for money?

A. Yes, I did, one Saturday afternoon.

Q. Did you ever see Mr. Eichorn give it to him?

A. No, sir; I did not.

Q. Did you ever hear Kelly tell you that he had got five dollars from Mr. Eichorn?

A. No, not to my knowledge.

Q. Now, how many times did you hear Kelly ask Eichorn for money?

A. Only once.

Q. Only once. Do you remember anything about that conversation at all?

A. No, sir.

Q. Now, did you ever see Kelly go sailing with Mr. Eichorn?

A. Yes, I did.

Q. How often?

A. Well, I guess about three times.

Q. At what hour of the day would they go sailing?

A. Well, they went fishing twice, and they say they went sailing another time.

Q. Well, you actually saw them go fishing twice, did you?

A. I saw them going in the boat.

Q. On Saturday afternoon, was it?

A. No, sir; I guess not.

Q. It was a working day?

A. A working day, I think it was.

Q. Now, do you know anything about the Eichorns ever bringing liquor there to the men on the work?

A. Yes, I have drank some.

Q. Then it is a fact that the Eichorns brought liquor and flasks to the men on the work?

A. No; this was a cold day, and he gave me some.

Q. This was in the summer time?

A. No, sir; the fall.

Q. Late in the fall?

A. I guess so.

Q. Well, they closed down work there at about the first of September at that time.

A. No, not the first of September.

Q. Now, which of the Eichorns gave you money?

A. I forget now.

Q. Well do you know Albert from Eugene?

A. I do, well, — Albert, I guess.

Q. Do you know about Albert giving liquor to the other men there?

A. I don't know whether it was done in the office. Kelly and him used to be in the office — Eugene.

Q. Ever see them go to lunch together?

A. Yes.

Q. Went pretty frequently?

A. Yes, sir.

Q. Both the Eichorns and Kelly — in fact, the three Eichorns and Kelly — would go to lunch together?

A. Yes, sir.

Q. Do you know where they went to lunch?

A. No, sir; I don't, sir. I didn't follow them.

Q. Do you know of any restaurant opposite the car station?

A. No — yes, I do.

Q. Whose restaurant?

A. I don't know.

Q. Did you ever eat there?

A. No, sir.

Q. Do any of the men go there to eat?

A. No, sir.

Q. Did they at that time?

A. No, sir; they took their dinner.

Q. None of them went there?

A. I don't think so. They all took their dinner with them.

Q. Kelly wasn't in the habit of taking his dinner with him. Did you ever see Eugene Eichorn offer money to anybody else there?

A. No, sir; I did not.

Q. Ever see Albert?

A. No, sir.

Q. Ever see Mr. Abbott drunk, around Marine Park?

A. No, sir.

Q. Have you seen him drink?

A. Have seen him take a glass of tonic, and after work a glass of ale.

Q. You used to see him drink after work?

A. Yes, sir.

Q. Are you friendly to Abbott?
A. I live convenient to him.
Q. When did you see Abbott last?
A. I haven't seen him for a month.
Q. Did you ever see Weidener take liquor on the premises?
A. No, sir.
Q. Did you ever see Weidener in a state where he was unfit to do his work?
A. No, sir; I never did.
Q. Do you know who marked the books there?
A. Abbott, Weidener and Kelly.
Q. Kelly did the most of it?
A. No, sir.
Q. A good share of it?
A. No, sir.
Q. He was sailing or fishing most of the time?
A. When they were around there they wouldn't leave him do it.
Q. What did Kelly do?
A. I don't know — did more running around than anything else.
Q. Practically nothing, according to your statement?
A. Practising the bike.
Q. Do you know who gave him the bike?
A. Yes, I do.
Q. You know that Mr. Eichorn did?
A. Yes, sir.
Q. Did Kelly ever tell you that Eichorn gave it to him?
A. Yes, he did.
Q. Did Eichorn tell you he did?
A. Yes.
Q. Did Eichorn ever tell you he loaned him the bicycle?
A. He said he loaned him one, and then give it to him.
Q. Which did he say first?
A. Loaned it.
Q. And afterwards gave it?
A. Yes, sir.
Q. How did he come to tell you he gave it?
A. In conversation.
Q. Did you ask him?
A. I saw him riding around there and asked him who owned the bike, and he said he gave the loan of it to Kelly.
Q. And afterwards told you that he made a present of it to Kelly?
A. Yes.

Q. How did he come to tell you that?
A. I don't know — in conversation; I couldn't tell you.
Q. But you do know that he told you two distinct things about that bicycle. Now, do you know about Mr. Eichorn giving Kelly money for a Labor Day picnic?
A. No, sir.
Q. Or anything about Father Cummins' barbecue?
A. No.

TESTIMONY OF JOHN THOMPSON.

Q. (By Mr. LUNDY.) What is your full name, Mr. Thompson?
A. John Thompson.
Q. And where do you work?
A. The Park Department.
Q. Are you working there now?
A. Yes.
Q. What do you do in the Park Department?
A. Laborer.
Q. How long have you been there working?
A. Three years.
Q. Were you working in Marine Park, South Boston, in 1898?
A. No.
Q. Where were you working at that time?
A. 1898, I was working on the Back Bay.
Q. Now, did you take any part in the tearing up of shrubs or destroying of trees at the Back Bay, at that time?
A. No.
Q. See any destruction of trees going on?
A. No.
Q. Where did you work after that?
A. In Franklin Park.
Q. What did you do there?
A. I worked in a sewer.
Q. Didn't notice any destruction of trees there, did you?
A. No.
Q. After that where did you work?
A. Worked at Bussey ledge.
Q. Now, did you see any destruction of the rustic work out there?
A. No, I wasn't at that.
Q. Did you work at Jamaicaway at all?
A. No.
Q. Where did you work besides Bussey?
A. Franklin Park.

Q. Aside from those two places, where else did you work?
A. Back Bay.
Q. And you haven't worked at any other place?
A. No.
Q. During the last year, Mr. Thompson, have you been absent from your work at all?
A. Yes.
Q. For how long?
A. For six weeks.
Q. And why were you absent?
A. Well, I was in a sewer in Franklin Park, and I got sick with rheumatism.
Q. Yes; did you draw your pay while you were away?
A. No.
Q. Do you know whether or not it was reported that you were sick?
A. Yes, sir; sent a friend of mine out in my place until the time I went back.
Q. Do you know, then, that another man was working in your place?
A. Yes, sir. I sent him out there to take my place until I got over the rheumatism.
Q. Do you know whether or not your friend was on the civil-service list?
A. Well, he told me he was on the civil-service list. He was — he told me so.
Q. Do you know whether he was sent down, in addition to your recommending him?
A. I couldn't say.
Q. Did your friend work under your name or under his own?
A. Under my name.
Q. Worked under your name?
A. Yes.
Q. You are sure about that?
A. I told him.
Q. (By Alderman GERRY.) Who is your boss, please?
A. My boss is McNulty.
Q. Well, he knows you?
A. Yes; he knows me.
Q. Well, when you didn't go there and this other man did, how did it happen?
A. Well, Mr. Edgeworth was the foreman then.
Q. He was the foreman?
A. Yes.
Q. Do you suppose Mr. Edgeworth knew that this man was working in your place?

A. Well, I sent this man out to work in my place until I would get better and would be able to go back again.

Q. Well, when you went back was Edgeworth still there?

A. Yes, sir.

Q. As foreman at that time?

A. Yes, sir.

Q. Then, as far as you can judge, he knew that you sent that man out to take your place, did he?

A. I couldn't say.

Q. Well, he knew that you went back and took the man's place, and then the man left?

A. Yes. He didn't want to let me go to work when I went back, though. He made a kind of holler, kick, about it.

Q. He finally did let you go back?

A. Yes. He knew I was sick.

Q. You told him what?

A. I told him I was all broken up with rheumatism, from being up to the hips in water in the sewers, and that I couldn't go out.

Q. But he allowed you to go to work after you got out there?

A. Yes, sir.

Q. What became of the man you sent out?

A. He was laid off.

Q. Did he ever go back to the park?

A. No, sir; I never saw him.

Q. Did you ever pass the civil service or take out papers as a laborer?

A. Yes, sir.

Q. Well, what is the civil service? Why do they have a civil service?

A. I don't know.

Q. Well, had you any idea, when you sent that man out there, that you were doing something that wasn't right?

A. No, sir.

Q. Well, perhaps you don't know all about these different matters, but you knew that the civil service was there, so that a man who passed it could go to work as a laborer in the Park Department or some other department, didn't you?

A. Yes.

Q. And you knew that, theoretically, as far as the ideas of people went, we will say, that you couldn't get on there unless you passed civil service?

A. I understood you could put a man on in your place, if you were sick.

Q. Who told you that?

A. I have done it in the Street Department. I have worked extra in men's places that have been sick.

Q. Haven't done that in the last three months, have you?

A. No.

Q. When did you do it?

A. About four or five years ago.

Q. Well, who was Mayor at that time? Do you know?

A. I couldn't exactly remember.

Q. Mayor Quincy?

A. Yes.

Alderman GERRY. — His first term — that lets you out, Mr. Matthews.

Mr. MATTHEWS. — I am out of it. (Laughter.)

Q. (By Alderman GERRY.) In other words, my friend, you knew the civil service was there for something, didn't you, and that it was there to put men to work, and that they wouldn't get work unless they had a rating in the civil service?

A. Yes, sir.

Q. And when you sent the man out you knew you were doing something that was not right, evading the law or statute, or something?

A. I didn't understand that.

Q. Well, you sent him out there to save your place, did you, because he was a friend of yours, and you were sick? Now, do you know of other men who have sent men when they were sick or on a vacation, to take their places?

A. No.

Q. But you know you did?

A. Yes.

Q. Did it innocently, in a way?

A. Yes, sir.

Q. When you got back you say this foreman, Edgeworth, asked you where you had been?

A. I told him I wasn't able to work.

Q. Asked you why you hadn't been there?

A. Yes, sir.

Q. Did he ask you about the other man?

A. The other man was laid off.

Q. Laid off when you got back there?

A. Yes, sir.

Q. But, still, he was working all the time you were sick?

A. About three or four weeks.

Q. When you were sick — working on your name. Now, you knew he was working on your name — did you know that anybody knew he was working on your name?

A. I didn't know.

Q. You didn't tell Edgeworth that?

A. I didn't see Mr. Edgeworth from the time I got sick until I got back.

Q. But when you went back Edgeworth didn't ask you how it happened that that man came there in your place?

A. I told him that I sent the man out.

Q. Oh, you told him, Edgeworth, that you sent the man out?

A. Yes, sir.

Q. In other words, told Edgeworth that you had been breaking the laws of the Commonwealth, did you?

A. No.

Q. When was it you told him that — when you got back from being sick?

A. No, when I got sick — yes, when I got back, after getting better.

Q. What did he say?

A. He said, "I can't let you go to work."

Q. Why did he say that?

A. He says, "You have been away so long." "Well," I says, "you know I was laid up."

Q. He didn't say anything about sending a man in your place against the civil service law, did he?

A. Yes, he said it was against the law, and said if I got sick again —

Q. Oh, he said it was against the law?

A. No, didn't say it was against the law — didn't say it was against the law.

Q. Well, what did he say?

A. I forget what he said.

Q. Well, you forget what he said about that point — whether it was or was not against the law, do you? Now, do you have any idea that Mr. Edgeworth knew that that man was out there in your place?

A. No, I have not.

Q. You think, then, honestly, that Mr. Edgeworth thought you were discharged or suspended, or something of that kind, or sick, and that someone had sent that man out there?

A. No, I sent him out there myself.

Q. Do you think Edgeworth thought that that man was sent there by the proper park authorities to take your place?

A. No, I don't think so.

Q. You didn't think that?

A. No.

Q. What did you think?

A. I think what I told this man was to take my place for a few weeks, until I got better, able to go back there.

Q. I wasn't asking you that. I was asking you what you thought Edgeworth thought. Perhaps you wouldn't know that?

A. I couldn't tell.

Q. Couldn't tell. Then you don't think it is a common practice for men who are sick to send other men to take their places?

A. I never saw it in the parks.

Q. Only in your case?

A. Only in my case.

Q. (By Mr. LUNDY.) Do you recall about the time when you were sick for the six weeks?

A. Yes, sir — about the latter end of October.

Q. Of last year.

A. Yes.

Q. Have you ever worked as a piano worker?

A. Yes.

Q. Have you ever worked in Chickering's piano factory in the last year?

A. Yes, sir; I worked there for about two weeks.

Q. You worked there two weeks while you were supposed to be sick?

A. Yes. I wasn't able to go back to where I had been working, and that is the reason I went there.

Q. But you worked there while your job was being held in the other place?

A. I worked there two weeks, and when I got over my rheumatism I went back to the Park Department.

Mr. LUNDY. — That is all.

The CHAIRMAN. — Mr. Matthews, have you anybody you want to put on the witness stand?

Mr. MATTHEWS. — At present?

The CHAIRMAN. — Yes.

Mr. MATTHEWS. — No, sir; not until Mr. Lundy finishes his case.

The CHAIRMAN. — Then the hearing will be adjourned to to-morrow at 2 o'clock.

Mr. MATTHEWS. — Just a moment, Mr. Chairman. The water is out of Ward's pond and all those stones are visible, and I would like to suggest to the committee that, to-morrow

afternoon or at any other convenient season, they inspect those stones.

Mr. LUNDY. — How about those other pools, those two adjacent ponds or pools?

Alderman GERRY. — Everything is filled in except Ward's pond.

The CHAIRMAN. — The committee is going into the other room to have a meeting, and will consider that matter.

Mr. MATTHEWS. — I don't suppose they want to have the pond drained down indefinitely.

The CHAIRMAN. — I was talking with Mr. Shea, and we thought we would go out there next week.

The hearing was adjourned at this point to Friday, March 30, at 2 o'clock P.M.

The following are especially referred to portions of exhibits introduced at the hearing:

BOOK 123. EXHIBIT 23.

No. 1. BOSTON, September 2, 1898.

Received at N. P.
From JOHN MCSHANE,
One load filling,
Containing 34 cubic feet.

No. of team, 2. W. K.

BOOK 239. EXHIBIT 24.

No. 17. BOSTON, September 27, 1898.

Received at N. P.
From J. MCSHANE,
One load filling,
Containing 23 cubic feet.

No. of team, 1. W. K.

SAME BOOK.

No. 18. BOSTON, September 27, 1898.

Received at N. P.
From J. McSHANE,
One load filling,
Containing 23 cubic feet.

No. of team, 1. W. K.

SAME BOOK.

No. 19. BOSTON, September 27, 1898.

Received at N. P.
From J. McSHANE,
One load filling,
Containing 21 cubic feet.

No. of team, 4. W. K.

SAME BOOK.

No. 20. BOSTON, September 27, 1898.

Received at N. P.
From J. McSHANE,
One load filling,
Containing 25 cubic feet.

No. of team, 1. W. K.

SAME BOOK.

No. 21. BOSTON, September 27, 1898.

Received at N. P.
From J. McSHANE,
One load filling,
Containing 21 cubic feet.

No. of team, 4. W. K.

EXHIBIT NO. 54.

CITY OF BOSTON.

BOARD OF PARK COMMISSIONERS.

JAMAICA PARK.

September 7, 1898.

L. PRATT,

Commissioner:

DEAR SIR, — Agreeable to instructions from you, I am permitting Mr. McShane and Mr. J. A. King to store filling on Neponset Playground, with the understanding that the Park Department has an option on its purchase at 40 per cubic yard. I also expect Mr. Coburn to deliver material on the same terms. This is a good opportunity to get the surface of the meadow covered at cheap cost.

Very respectfully,

J. A. PETTIGREW,

Superintendent.

EXHIBIT NO. 55.

NEPONSET PLAYGROUND CONSTRUCTION.

BOSTON, May 18, 1899.

CITY OF BOSTON, PARK DEPARTMENT,

To JOHN MCSHANE, DR.

For filling delivered on Neponset Playground from August 19, 1898, to October 14, 1898, in full settlement, $933.00.

Duplicate.

NINTH DAY.

CITY HALL, March 30, 1900.

The committee met in the aldermanic chamber, City Hall, at two o'clock, P.M., Chairman NORRIS presiding, and all the members present.

Appearances — same as before.

The CHAIRMAN. — The committee will come to order, and the hearing will proceed.

TESTIMONY OF JOSEPH A. CONRY.

Q. (By Mr. LUNDY.) Your full name is Joseph A. Conry?

A. Yes, sir.

Q. And your business is that of an expert accountant?

A. Accountant; yes, sir.

Q. You have been President of the City Council of the city of Boston?

A. Of the Common Council.

Q. Of the Common Council, yes; and you have been Chairman of the Board of Aldermen?

A. Yes, sir.

Q. Now, Mr. Conry, whether or not you have been employed by this committee to examine the books of the Park Department?

A. Yes, sir.

Q. And you have done so?

A. Yes, sir.

Q. Now, if you will report a general statement as to the condition of those books, please.

A. This is a report which I have prepared (reading):

87 MILK STREET, BOSTON, March 28, 1900.

TO THE COMMITTEE ON INVESTIGATION
OF PARK DEPARTMENT, CITY OF BOSTON:

GENTLEMEN, — In compliance with a vote passed by your committee, March 12, 1900, "to examine the books and accounts of the Park Department, said examination to include the year 1899 only," I respectfully submit the following report:

Exhibit "A" shows a balance sheet, with the

Object of Appropriations,
Balances January 31, 1899,
Appropriations and Transfers 1899–1900,
Total Credits,
Expenditures 1899–1900,
Balances January 31, 1900.

This corresponds with the sheet prepared in the office of the Park Department, except that it shows in addition the manner of expenditure of the $12,000.00, Land for Playgrounds, also the expenditure out of the appropriation for Playgrounds.

Exhibit "B" shows in detail the expenditure of money under Chapter 412, Acts of 1898.

The books are kept in a minute manner, free from errors, and with great care.

As the order under which the examination was made, did not provide for the opening of a new set of books, no comments are offered as to the system in operation, consequently no recommendations are submitted.

JOSEPH A. CONRY.

This (handing paper to Mr. Lundy) is Exhibit "A," and this (handing paper) is Exhibit "B." (See "Exhibit 56," at close of day's hearing.)

Q. Now, the books, Mr. Conry, are in absolutely correct condition?

A. So far as I could learn; yes, sir.

Q. So far as book-keeping goes, they are in a perfect condition, according to the system adopted?

A. Yes.

Q. Now, will you find the record, Mr. Conry, about the making of purchases of land for playgrounds during the time you examined the books?

A. This Exhibit "B" shows the manner in which the expenditures were made under the appropriation.

Q. Now, you know that there is an allowance of $500,000 to be spent for the purchase of playgrounds?

A. No; I didn't understand so.

Q. Well, do you get that from the books at all?

A. $400,000.

Q. Well, Mr. Stratton has testified that there is a fund of $500,000, no more than $200,000 to be expended in any single year?

A. $400,000 is all that appears on the books — $400,000.

Q. That, of course, would be a record of so much spent?

A. Yes.

Q. Now, during the last financial year, Mr. Conry, how much money has been spent for playgrounds? How much has been spent during the last financial year — that is, from January 31, 1899, until January 31, 1900?

A. A total of $318,624.29 for lands. There is also an expenditure for experts on land, engineers' expenses, and taxes, amounting to $1,374.70.

Q. That is all in reference to the matter of playgrounds, isn't it?

A. Yes, sir; under that heading.

Q. And under that appropriation?

A. Yes, sir.

Q. Then, there has been, to place it at the smallest exact figure for the past financial year, over $118,000 spent in excess of any $200,000 provision? Is that so?

A. As it appears of record.

Q. As it appears of record, they have spent over $318,000; and if it is a fact that they are allowed to expend only $200,000, then they are at least $110,000 in excess?

A. According to that report; yes, sir.

Q. And according to their books?

A. That is taken from their books.

Q. Now, what have they paid during the present calendar year for that same purpose — the calendar year, 1900?

A. $256,242.29.

Q. Then, they are in the present calendar year, a trifle over $56,000 in excess of any $200,000 appropriation or allowance?

A. According to their books.

Q. According to their reports?

A. Yes.

Mr. LUNDY. — I call that to the attention of the Chairman and of the members of the committee. Mr. Stratton has testified that they were allowed $200,000 a year as an expenditure for playgrounds; and during the last fiscal or financial year there has been spent over $318,000, or $118,000 more than the allowance. During the present calendar year there has been spent $256,000, or $56,000 over the appropriation. I think that is all at the present moment, Mr. Conry, but if you will wait a few moments, I will be obliged to you.

Cross-Examination.

Q. (By Mr. MATTHEWS.) Mr. Conry, do you say that you make no recommendations about any changes of system of book-keeping?

A. I make no recommendations; no, sir.

Q. Did you examine the books sufficiently to enable you to arrive at any opinion yourself as to what changes you would recommend?

A. Yes, sir.

Q. Will you please state to the committee any changes that you would recommend?

A. I will, if the Committee wishes it?

Mr. MATTHEWS. — I think, Mr. Chairman, that inasmuch as the witness has looked over the books of the department, and thinks that the system of book-keeping can be improved in any manner, that is a matter that it would be worth while for us to go into.

Mr. LUNDY. — I think it would, Mr. Matthews.

The WITNESS. — I will say that that would require some examination. I couldn't state it offhand. I would have to make an examination with that in mind.

Q. (By Mr. MATTHEWS.) Perhaps you misunderstood me. I didn't ask you whether you could, but whether you had formed an opinion.

A. I would say that I had, as I went through, but made no note of it, as I had no intimation that that was desired, under the order which authorized me to make an examination.

Q. You wouldn't feel like committing yourself now to any matter of changes?

A. No, sir.

The CHAIRMAN. — I would say that the Committee requested the accountant to do nothing other than to make a report on the condition of the books as he found them. We didn't request him to give an opinion or to make any recommendation. If he desires to do so, the Committee would be pleased to hear it.

Q. (By Mr. LUNDY.) I know this is not particularly agreeable to Mr. Conry, but I will ask this question. Who is the book-keeper there, Mr. Conry, as you understand it?

A. That, I would not be prepared to state. I wish to say that every gentleman in the office showed me every facility and courtesy possible in the world. I should judge, from the working of the office, that Mr. Ogden was book-keeper.

Mr. LUNDY. — I will ask now, to save time, from Mr. Clarke, who is under oath, if he will tell us if Mr. Ogden is the book-keeper?

Mr. CLARKE. — Well, Mr. Lawrence is the chief accountant in the office.

Mr. LUNDY. — He is chief accountant?

Mr. CLARKE. — Yes, sir.

Q. Did you find out, in the course of your individual examination, that Mr. Ogden had anything to do with the books?

A. I should say that he made all the entries in the abstract book, which is the chief book.

Q. And that, according to the opinion of an accountant, is the principal book?

A. It is certainly the principal book of that set.

Q. Do you understand that Mr. Ogden is also purchasing agent of the department?

A. I so understood it; yes, sir.

Q. And, as Mr. Matthews has asked your opinion upon the system of management, I wish to ask you this. Do you, as an expert accountant, consider it a good idea to have the expert accountant in any department occupy also the position of book-keeper?

Mr. MATTHEWS. — Well, Mr. Lundy, Mr. Clarke has said that Mr. Lawrence is the head book-keeper.

Mr. LUNDY. — I understand, but you asked his opinion freely of Mr. Conry. He said the book of original entry is made up by Mr. Ogden, and that upon this book of original entry the other books are based largely. That is so, isn't it Mr. Conry?

The WITNESS. — Yes.

Mr. LUNDY. — And if Mr. Ogden makes those original entries, I think my question is perfectly proper. If Mr. Ogden is the purchasing agent and he also makes any original entries of accounts, then my question is perfectly proper.

Mr. MATTHEWS. — I do not object to the question at all. I thought you assumed that Mr. Ogden was the expert accountant of the office.

Mr. LUNDY. — No, I didn't assume that; but I did assume that he made the original entries.

The CHAIRMAN. — As I understand it, neither counsel objects to Mr. Conry, giving his opinion. The committee did not request Mr. Conry to give any opinion or make any recommendation; but in my judgment, the committee would be pleased to have him do so. If the accountant desires to give any opinion or to make any recommendation, he is perfectly free to do it.

The WITNESS. — I should say, in answer to the question, that it was a system that might be abused. It offered opportunities.

Q. (By Mr. LUNDY.) But in this particular case, it is safe to say that there has been no abuse?

A. I feel quite sure that they were conducted perfectly honestly, so far as the office was concerned.

Q. So far as the actual facts stand, there has been no damage resulting to anybody?

A. Not any that I could see.

Q. But it is a defect in the system?

A. In my opinion; yes.

Mr. LUNDY. — Now, I offer these, Mr. Chairman.

(Mr. Lundy submitted the report of Mr. Joseph A. Conry to the Committee on Investigation of Park Department, which was marked "Exhibit 56" and Exhibits "A" and "B", referred to in said report, which are marked "A" and "B," and will be found appended thereto, at close of to-day's hearing.)

Q. (By Mr. MATTHEWS.) I want to ask you, Mr. Conry, about these cases of expenditure under the playground Act of 1899. That is Chapter 279, of the Acts of 1899, did you say?

A. Chapter 412, I believe. It appears on the Exhibit (examining Exhibit "B.") — Chapter 412, of the Acts of 1898.

Q. That was amended in 1899, wasn't it?

A. Well?

Q. Had the amendment been called to your attention?

A. The amendment has been called to my attention.

Q. Would your suggestions that you gave in answer to Mr. Lundy's questions apply to the Act of 1898, as amended by Chapter 279, of the Acts of 1899?

Mr. LUNDY. — Well, pardon me —

The WITNESS. — I made no suggestions, save to answer the questions that Mr. Lundy asked.

Mr. LUNDY. — I was going to suggest to Mr. Matthews that Mr. Conry made absolutely no suggestions. He gave a bare set of figures. He said that, nakedly, there had been an excess of $118,000 over the $200,000 appropriation for the financial year, and in excess of $56,000 over the $200,000 limit, as I put it to him, for the calendar year. He simply stated figures, and offered no suggestions upon any legislative act.

Q. (By Mr. MATTHEWS.) Well, perhaps I can get at it in this way. What was the balance on hand available for this purpose of expenditure under these two acts on the beginning of the fiscal year that you covered?

A. There was no balance on hand at the beginning of the year. The loan was issued about the middle of the year. The amount appears on the books — $400,000 — the total amount that was issued. There was no balance on hand on the 31st of January, 1899.

Q. There was no balance on hand available for this purpose on February 1, 1899?

A. Yes. That is, it does not appear on the books.

Q. On the books that you saw?

A. Yes.

Q. Then during the fiscal year beginning February 1, 1899, there were loans to the amount of $400,000 issued?

A. Yes, during the financial year; a total of $400,000.

Q. $400,000 was issued, and how much was expended?

A. The total for land was $318,624.29, and then for experts on land, engineers' expenses and taxes, $1,374.70. The total expenditure was $319,998.99. The balance is $80,001.01.

Q. And that amount was expended during the fiscal year beginning February 1, 1899?

A. Yes, sir.

Q. That is, during the twelve months expiring on the 31st day of January, 1900?

A. Yes.

Q. Now, how much of the $318,000 was expended in the calendar year 1899?

A. $62,382.

Q. And how much of the $318,000 was expended during the month of January, 1900?

A. $256,242.29.

Q. Those two sums make $319,998.99?

A. Those, and the item of $1,374.70, which was expended for experts on land, engineers' expenses and taxes.

The CHAIRMAN. — Let us get clear on this matter. Mr. Matthews, will you state to the committee, since you have the law there in front of you, whether or not the Park Commission had the right to expend over $200,000 in any one year for playgrounds.

Mr. MATTHEWS. — I should say that they could expend that amount, together with any balance that might be left over. For instance, if on the first of January of this year there was a balance, as there was, apparently, of about — well, I will ask Mr. Conry what the balance was that was left over on January 1st, 1900?

The CHAIRMAN. — Mr. Conry was not requested to go into any acts or amendments to acts. He was simply requested to make a report upon the books — upon the condition of those books as they existed in the office. I don't want the counsel to get the witness mixed up.

Mr. MATTHEWS. — I don't want to mix the witness up on any accounts. I want to get the figures. I want him to tell me what the unexpended balance of the first $200,000 loan was on January 1st, 1900.

The WITNESS. — They don't take a balance on January 1st. They take it on the 31st. The expenditures for 1899 were $62,382.

Q. (By Mr. MATTHEWS.) I deduct that from $200,000, don't I?

A. You could deduct that from $200,000, yes; or $400,000, if you wish.

Q. But there was only $200,000 issued prior to January 1st, 1900.

A. Yes.

Q. Well, that would mean that on January 1st, 1900, there was an unexpended balance in the hands of the Park Commission on this playground account of $137,618.

A. Well, as I said I made no balances for January 1st. I made one for January 31st.

Q. I thought you said I could get it easy enough by deducting the $62,382 from the $200,000 which they borrowed?

A. For the sake of a memorandum; but I couldn't give that as an accountant. I didn't take that from their books.

Q. But you could get that from the books?

A. I could.

Mr. MATTHEWS. — Now, as a matter of law, I should say that they can expend after the 1st of January, this year $137,618, plus $200,000.

Mr. LUNDY. — What is the original act — chapter 411?

Mr. MATTHEWS. — 412, of 1898.

Mr. LUNDY. — And what is the amendment, Mr. Matthews?

Mr. MATTHEWS. — 217, of 1899.

Mr. LUNDY. — What is the substance of that amendment?

Mr. MATTHEWS. — Well, I should have to get the two acts together.

Mr. LUNDY. — I see. That is all, Mr. Conry.

The CHAIRMAN. — Well, does the committee understand that there is a balance left over of the $200,000, and that the Park Commission had a right to expend $300,000 this year?

Mr. MATTHEWS. — That is what I should assume.

The CHAIRMAN. — Is that the law?

Mr. MATTHEWS. — That is what I should assume. It is left for the Law Department to determine the law for the committee, I suppose.

Mr. LUNDY. — Well, that is where brother Matthews differs from brother Stratton.

The CHAIRMAN. — Well, the committee would like to get this point cleared up as much as possible. Possibly there is an amendment that the committee is not aware of.

Mr. LUNDY. — Then the easiest way would be to read the amendment. You are all perfectly familiar with the original act, as you have read it, and as Mr. Stratton has explained it. That provides that they could expend not exceeding $200,000 for the first year, and that in the second year they could expend not exceeding $200,000, and that they have on hand at the present time, or, at any rate, the right to use at the present time, $100,000. Now, that amendment might be read.

The CHAIRMAN. — The messenger will please get the original act, and the amendment to the act, and we will see how they read.

Mr. MATTHEWS. — I should say, Mr. Chairman, that this is a question that the Corporation Counsel should decide.

The CHAIRMAN. — Well, I think that the counsel on both sides can interpret the law for the committee.

Mr. MATTHEWS. — Well, I have given you my interpretation. It seems to me they can spend during the second year all the money left over from the year before, and $200,000 in addition. I don't understand that Mr. Stratton said anything different.

Mr. LUNDY. — Mr. Stratton made a bare statement that they had $500,000 to deal with —

Mr. MATTHEWS. — Exactly.

Mr. LUNDY. — And that they had spent already $200,000 for this year. That is, they had $100,000 which they had the right to expend, and that they could not spend any part of that until the first of January of next year.

Mr. MATTHEWS. — I understand that, and I don't see that there is any difference between that statement and mine. Perhaps there is a confusion in the minds of the committee between the fiscal year and the calendar year. I understand that when an act of the legislature says that anything shall be done during a certain year, that means that it shall be done during the calendar year. On the other hand all the city's accounts are kept by fiscal years. It seems to me that the whole matter is open to a very simple explanation. The Park Commissioners are authorized to borrow for playgrounds, under these two acts, $200,000 a year — that is $200,000 in each calendar year.

The CHAIRMAN. — That is to say, from the first of January until the first of January of the next year?

Mr. MATTHEWS. — From the first of January to the first of January. Now, what they did — and they did it with the authority and on the opinion not only of the Law Department of this city, but of the lawyer in this city who looks after

the validity of municipal bonds for the purchasers — is this: they borrowed $200,000 in the year 1899, and $200,000 more in the month of January, 1900, thus giving to the Park Department during the fiscal year, 1899–1900, the sum of $400,000 That is the explanation.

Mr. LUNDY. — And, at that, they are $56,000 in excess.

Mr. MATTHEWS. — No; they are under the limit.

Mr. LUNDY. — They have spent during the calendar year 1900, $256,000. That is, their expenditures are $56,000 in excess of what they had a right to expend.

Mr. MATTHEWS. — Pardon me — they are not anything of the kind. They have an unexpended balance of $80,000.

The CHAIRMAN. — Do I understand that there is a balance of $80,000? The question is now, then, whether the Park Commissioners have a right to expend $200,000 and then the $80,000.

Mr. LUNDY. — Well, I don't understand it that way. I understood that the $200,000 provided for under that Act for expenditure in the year 1899 had been exhausted. Now the question is —

Mr. MATTHEWS. — No, it hadn't been exhausted, but they had on hand on January 1, 1900, an unexpended balance of $118,000.

Mr. LUNDY. — Well, pardon me a minute — never mind January 1. If the Park Commissioners placed this construction upon that act, that they could use or exhaust this money within a fiscal year, then your accountant reports that they have exceeded the $200,000 by over $118,000.

Mr. MATTHEWS. — Yes; but they haven't expended $400,000.

Mr. LUNDY. — I understand. We will get to that in a minute. If on the other hand, they wish to place those expenditures within the calendar year, it gives them in construing their figures a certain advantage, and figuring it in that way they have only exceeded the $200,000 by $56,000 and a fraction over. That is the situation, as it is now. I would like to hear that amendment.

The CHAIRMAN. — I hope that the legal minds at this hearing will clear up this question.

Mr. MATTHEWS. — Well, I don't think I can clear it up to Mr. Lundy. I say that right off. I think we are talking about two entirely different things. The Park Commission have not expended over $400,000 —

Mr. LUNDY. — Altogether — that is true.

Mr. MATTHEWS. — Very well. They had $400,000 to spend during the last fiscal year.

Mr. LUNDY. — No, they didn't have anything of the kind. Excuse me, they had $200,000 a year, under your act.

Mr. MATTHEWS. — Well, pardon me until I get through.

Mr. LUNDY. — Certainly.

Mr. MATTHEWS. — They got $200,000 in the calendar year, 1899, and $200,000 more in the month of January, 1900. That allowed them, as it so happened, $400,000 for the fiscal year 1899–1900. That must have been the theory upon which the Park Commissioners and the Mayor and the Mayor and the Corporation Counsel and the attorney who looked out for the interests of the bond-holders proceeded. Perhaps they are all wrong, as a matter of law — but I don't think so.

The CHAIRMAN. — Here is the Act of 1899. It says?

"Section 1. The Board of Park Commissioners of the City of Boston, for the purpose of establishing a comprehensive system of playgrounds to meet the wants of the different sections of said city, is hereby authorized to purchase, with the approval of the Mayor of said city, land for playgrounds in such different locations, not exceeding 20 in number, as they may deem best adapted for such purpose: *provided, however*, that not more than $200,000 shall be expended in any one year for said purposes."

There is the act.

Mr. LUNDY. — That is Chapter 412 of 1898?

The CHAIRMAN. — Yes.

Mr. MATTHEWS. — I should like also to state that the Act was amended by Chapter 279 of 1899.

The CHAIRMAN. — If there is any amendment, we would like to know it.

Mr. MATTHEWS. — The amendment is here (referring to book) — Acts of 1899, Chapter 279. It amends the Act of 1898 by striking out the whole of the first section, and by substituting a new section for it. I will give you the act amending it (handing book to Chairman). The only change is giving the Commissioners the right to take by eminent domain.

The CHAIRMAN. — I cannot see any change in the phraseology of this, at all.

Mr. MATTHEWS. — I don't claim any change with reference to this point. The later act gave them the right to take by right of eminent domain which they did not have in the first act. The financial provisions are not changed at all.

(The Chairman and members of the committee examined the two acts.)

The CHAIRMAN. — I understand that the word "purchase" is in one act, and not in the other. That is the way

you construe it? That is, the first act says that they may "purchase" land, and the second that they may obtain it "by purchase or otherwise."

Mr. MATTHEWS. — Well, the second act gives the Commissioners the right to take land by right of eminent domain, and the first act didn't. So far as the fiscal provisions are concerned, they are apparently the same in both acts. I suppose what the department did was simply to assume that under this act they could borrow and expend $200,000 in each calendar year, and that if there was a balance left over on December 31, 1899, they could expend it during the next year. Now, Mr. Chairman, I am also informed that — as must of course have been the case — all those expenditures were approved by the Law Department, and the responsibility rests there.

Mr. LUNDY. — Now, Mr. Chairman —

The CHAIRMAN. — This would be a fitting question to refer to the Law Department for its opinion.

Mr. LUNDY. — Not at the present moment, if you please. The matter stands here. It doesn't make any difference whether the Park Commission, or the Counsel for the Park Commission, confines it to a fiscal year or to a calendar year. The law reads very plainly, and is not changed by any amendment with regard to the amount of money which they are allowed to expend. It says very plainly that not more than $200,000 shall be spent for the purpose of purchasing playgrounds within a single year. Now, according to Mr. Stratton's testimony, as I remember it — and it isn't exactly important whether I remember it rightly or not — the $200,000 appropriated for the year before last had been used.

Mr. MATTHEWS. — Where?

Mr. LUNDY. — Now, they have, according to the report of your expert accountant, which of course is open to question, no matter how reputable he may be — according to that report they have spent within the last fiscal year $118,000, at least, in excess of the $200,000 allowed for that purpose; and to take it upon the basis of the calendar year, within the present calendar year they have spent $56,000 and over in excess of the $200,000 allowed. Now, there is no amendment, no supplementary provision in any statute, which permits them to expend over $200,000 for the year. I understand very perfectly what my brother Matthews is getting at, which is that they might spend up to $400,000 within two distinct years; but, according to Mr. Stratton's testimony, $200,000 had been exhausted before they started upon this second $200,000 provision at all.

Mr. MATTHEWS. — He didn't say anything of the sort.

Mr. LUNDY. — That is a matter for the stenographic report to decide. My memory is just as distinct as yours.

Mr. MATTHEWS. — Well, take the expert's figures for it.

Mr. LUNDY. — Mr. Conry's figures were all right.

Mr. MATTHEWS. — Well, then, if they are, why all this discussion?

Mr. LUNDY. — I don't know. I didn't instigate it.

Mr. MATTHEWS. — Mr. Conry's figures were all right. They showed that there was a balance on hand on December 31, 1899, of $138,618. I don't desire any discussion on the question.

Mr. LUNDY. — Excuse me; you started it.

Mr. MATTHEWS. — Well, I think perhaps that is right; but what you said was not in accordance with Mr. Stratton's testimony.

The CHAIRMAN. — Well, has this little legal difficulty been settled by both counsel? (Laughter.)

Mr. LUNDY. — That has never been known to be done in the history of the world. This is a point for the committee, as judges, to decide.

The CHAIRMAN. — We would like to have the counsel agree upon the legal point.

Mr. LUNDY. — Well, most emphatically, when it is a question of figures I am willing to take my hat off to Mr. Matthews; but that is not the question. You have your act, and you have your amendment, and you have in the stenographic report the testimony of Mr. Stratton, and it is for the committee to decide whether they have exceeded the amount which they are authorized to expend.

The CHAIRMAN. — Well, that is what the committee would like to determine now. What the members would like to know is whether or not both counsel agree on whether the Commissioners had a right to spend over $200,000 in any one calendar year for playgrounds.

Mr. LUNDY. — Well, that is a question for the committee to decide, with the assistance of the statutory acts which they have before them. On the evidence as it stands now, according to my memory and my interpretation, the fact is that before this last appropriation of $200,000 became available, they had already expended $200,000. Mr. Stratton testified that at the present time the Commission has the right to expend only $100,000 for the purpose of purchasing playgrounds.

Mr. MATTHEWS. — Not yet — not until the end of this year.

Mr. LUNDY. — Well, this year is over, as far as those $200,000 are concerned.

Mr. MATTHEWS. — But as far as the $100,000 is concerned?

Mr. LUNDY. — Oh, the $100,000 we don't discuss at all. They have got from now until the 31st day of next January to dispose of that — at least until the 31st day of December.

Mr. MATTHEWS. — Why, no; they can't touch it until then.

Mr. LUNDY. — Yes, exactly; you are right. They can't touch it until then. But the $400,000 has been expended. Now, according to your expert's testimony here, they have spent $318,000 and some odd dollars within the last fiscal year, and they have spent within the calendar year over $256,000. Now, to take it any way the Commission pleases, or to take it any way that my brother Matthews wants to place it, they are from $56,000 to $118,000 in excess of what they had a legal right to expend for playgrounds.

Mr. MATTHEWS. — Mr. Chairman, I would like to suggest this, also — that possibly the land may have been taken up to the $200,000 limit prior to January 1st, 1900, but payments may not in fact have been made. That might happen, and might reconcile anything inconsistent in the testimony, although I shouldn't suppose that any reconciliation was necessary. Does Mr. Conry know when the takings were made?

The WITNESS. — I know the dates which appear on their books.

Q. (By Mr. MATTHEWS.) Have you got them?

A. Yes, sir; it appears in this report.

Q. I haven't seen a copy of the report. Will you please read to the committee the dates of the takings in the calendar year 1899?

A. They were all recorded on June 8th. That is the date of the record. The date of the draft was May 29, 1899.

Q. Well, whether or not some of the payments made in 1900 were not made on account of the takings in the previous June?

A. No; as it appears on their record book, there is nothing to indicate that they were not all in 1900. Of course, I don't know what was paid out of the Auditor's office. I merely take their records as it appears on their books. The record, according to their books, was June 8th, 1899. Then, the other takings were all dated January 1st, with the exception of the Savin Hill taking, and that was dated January 8th. According to all the dates that I can find there were simply three takings.

Q. The Auditor's books would show whether any of the payments made in 1900 were made on account of the takings made last June?

A. Yes; but I am taking the books of the Park Department only.

The CHAIRMAN. — Supposing we send down stairs for the Auditor. He is within easy reach, and supposing we send down for him and clear that up.

Mr. LUNDY. — Well, after you get the Auditor up here, you are in exactly the same position that you are now. As I understand it, brother Matthews raises no dispute as to Mr. Conry's figures. The only question is upon the law.

Mr. MATTHEWS. — Well, I asked him if it is a fact, as I suggested, that very likely some of these payments made in January, 1900, were on account of the takings made in the previous calendar year, and he says he cannot tell, but that the facts would appear from the Auditor's books. The Chairman very properly suggests that the Auditor be sent for.

The CHAIRMAN. — The City Messenger will please ask the City Auditor to come up and bring with him the books showing the payments made by the Park Department for playgrounds in 1899 and 1900. The counsel will proceed.

Mr. LUNDY. — That, I cannot very well do; but I want to put this to Mr. Matthews.

The CHAIRMAN. — Well, I would say that this crossfire is somewhat irregular, and should cease.

Mr. LUNDY. — Well, if I may be permitted to suggest it, all this crossfire and all these cross-questions have been requested by the Chairman. You have asked the opposing counsel to agree, and it has been necessary to have a certain amount of argument upon that.

The CHAIRMAN. — I am informed by the City Messenger that the Auditor is out at lunch, and the counsel will please proceed. Upon the Auditor's return, he will be asked to testify.

The CHAIRMAN. — The Chair has no desire to bring the Auditor here, unless there is a direct issue between counsel as to the taking of land. If counsel does not want the Auditor here, I certainly do not, and I have told the messenger to tell the Auditor that we do not desire his presence at the present time. I will ask counsel to go on.

Mr. LUNDY. — To save further difficulty on that point, will the counsel for the Park Commissioners admit that they have taken more than $200,000 worth of land in a single year — that is, taken more than is allowed under that act?

Mr. MATTHEWS. — No, sir; I will not.

Mr. LUNDY. — You will not admit it?

Mr. MATTHEWS. — No, sir; of course I will not. Your figures show just the contrary.

Mr. LUNDY. — Well, you will not admit that?

Mr. MATTHEWS. — I will admit that they paid more than that, and they had a right to do it.

(The examination of Mr. Conry was suspended at this point.)

TESTIMONY OF GEORGE F. CLARKE. — *Recalled.*

Q. (By Mr. LUNDY.) You know, Mr. Clarke, about the various accounts for loam from year to year?

A. Accounts for loam?

Q. Yes.

A. You mean money paid for loam in the department?

Q. Yes, of loam contracted for?

A. I know that sundry moneys have been paid on account of loam, yes.

Q. And who is responsible for the amount of loam purchased in any year? Is it the Commissioners, or is it the superintendent of the park system?

A. The superintendent acts under the direction of the Commission in the purchase of loam and everything else that he does.

Q. I understand that, Mr. Clarke, but the Commission also depends upon the suggestion and recommendation of the superintendent, in many things, doesn't it?

A. They do.

Q. Now, I get this from the Auditor's report. In the year 1895–96 there were $2,273.22 worth of loam purchased — whether right or wrong, those are my figures, that I submit now. In the year 1896–97, $3,899.31 were paid for loam; in the year 1897–98, $7,597.24 were paid for loam. Now, all the loam in those three years, of course, was purchased under the direction of your superintendent, whoever he was. Isn't that so?

A. Yes, sir.

Q. The Commissioners don't say how much loam is needed?

A. No.

Q. Nor how much shall be purchased, do they?

A. I don't think they did at that time, no.

Q. Well, do you think the superintendent had anything to say about it later?

A. In reference to the amount purchased?

Q. Yes, the amount purchased.

A. He followed out a general plan, which the Commissioners laid out, which involved the purchase of this loam.

Q. That is a very pretty argument, Mr. Clarke, but you understand perfectly that the Commissioners, in your ex-

perience, which covers a period of twenty-five years, never laid out any work yet, don't you?

A. Just the contrary. They always laid out the work.

Q. Then they laid out the work in 1897–98, just as well as in 1898–99, didn't they?

A. Certainly.

Q. In 1897–98 I have stated that there was a trifle over $7,000 paid for loam — $7,597.24?

A. Yes.

Q. And in the year 1898–99 the sum of $89,772.68 was expended for loam?

A. Certainly.

Q. Now, there is a difference in the amount of loam purchased of over $70,000. Now, do you know under whose direction all that extra loam was purchased in 1898–99?

A. Under the direction of the Commissioners.

Q. Under the direction of the Commissioners?

A. Certainly.

Q. Then, you would say that the Commissioners directed that so much loam be purchased?

A. It was in the estimates that the Commissioners submitted.

Q. Make the estimates themselves?

A. No, had them made for them.

Q. By whom did they have those estimates made?

A. Under their direction, in the office, by the engineer.

Q. Who was the engineer?

A. Mr. Putnam.

Q. But wasn't Mr. Pettigrew responsible for those estimates?

A. I can't say he was.

Q. Don't you hold Mr. Pettigrew responsible for the engineer's estimates?

A. The engineers are under Mr. Pettigrew's direction, yes. He has charge of the engineering, of the work.

Q. Who was in charge of the department, so far as the laying of loam was concerned, in 1896–97 — I mean as superintendent or chief engineer?

A. In what year?

Q. 1896–97?

A. In 1896, Mr. Howe — no, Mr. Putnam, the latter part. Wait a moment — in 1896 I think Mr. Howe had charge. I will find out exactly.

Q. Well, that doesn't matter materially, Mr. Clarke?

A. Well, I think I remember well enough. It was in 1896 that the system of having a superintendent was inaug-

urated, and Mr. Putnam was for about six months superintendent. Previous to that Mr. Howe had full charge. Mr. Howe had charge of contracts even after that.

Q. When did Mr. Pettigrew come on the work?

A. In February, 1897.

Q. During that time you think Mr. Howe still had control of the contracts?

A. Yes, still had supervision of the contracts.

Q. But in 1898 Mr. Howe didn't have control of the contracts, did he?

A. No.

Q. Then it was under Mr. Pettigrew?

A. Yes.

Q. Now, in 1897–98, as I have said, the sum of $7,597.24 was spent for loam. In 1898–99 there was spent $82,175.44 more than had been spent in the previous year for loam?

A. Yes.

Q. My figures may be a little off. I think they are right, however.

A. Oh, I think they are right — a very large amount was purchased that year.

Q. In 1898–99?

A. Yes.

Q. And that purchase was made under the direction of Mr. Pettigrew?

A. The direct work was — yes.

Q. Well, he was superintendent. Of course, the Park Commission authorized that?

A. He was superintendent, and he worked under the instruction of the Park Commissioners.

Q. But the Park Commissioners gave those instructions on the suggestion of their superintendent, didn't they?

A. No, I think not.

Q. Well, you don't know any member of that commission who knows anything about loam, do you — how much loam would be required to spread on a certain surface?

A. The Commissioners took the advice, such advice as they wanted, with reference to it.

Q. Well, the advice would naturally come from the Superintendent whom they are paying to do certain work, wouldn't it?

A. To a certain extent I have no doubt that it would.

Q. Now, Mr. Clarke, do you know how the salary of the Superintendent of Parks is charged up?

A. It is charged up to the construction account of the various parks — sometimes to one and sometimes to another.

Q. Then he doesn't stand on the list as receiving $3,500?

A. $3,600.

Q. He doesn't stand on the books as receiving $3,600 a year for his general services, does he?

A. Yes, he does.

Q. Well, he never gets more than $3,600 a year?

A. No.

Q. And never a cent less?

A. No, I suppose not.

Q. How is that charged?

A. It is charged up to the different parks under him.

Q. Explain how it is charged up to the different parks?

A. Because his services are given to the different parks, and we have to divide the expense as much as possible, to show what they cost.

Q. The different parks?

A. Yes.

Q. You don't know what work they did at Wood Island Park last year, do you?

A. I do to a considerable extent, yes.

Q. And should you say that they did as much work there as at Franklin Park?

A. I should think not.

Q. Then, if $300 was charged up against the name of Mr. Pettigrew for Wood Island Park, and only $300 was charged up against the name of Mr. Pettigrew for Franklin Park, you would think there was some discrepancy, wouldn't you?

A. Well, I think that represents one month's salary, and you couldn't very well divide it. If you charged anything to Wood Island Park, you would have to charge the whole time.

Q. Do you know anything about the idea of charging up the services to the different parks, what it is for?

A. To show, as I say, what the parks cost — have to divide scattered bills among the different parks.

Q. I know, but if there was only ten dollars' worth of work at Wood Island Park, and a large part of the year was put in at Franklin Park, why should you have any system of book-keeping that would charge up to Wood Island Park, for instance, such a disproportionate amount, representing work that was not done there?

A. There has been a good deal of work done at Wood Island Park since the present Superintendent has had charge — a great deal.

Q. I only use that as an illustration — didn't have any particular park in mind.

A. I should think that was a small amount to charge to that park for the amount of work done there.

Q. But you do know of occasions, of localities where Mr. Pettigrew is set down for $300, where that amount of work has not been done?

A. Well, it is as near as it is convenient to get at it. It is necessary to get it, in order to show the cost of the parks.

Q. I don't intend to criticise you, Mr. Clarke, for the system of book-keeping in your department, but you know that it is only a scheme, don't you, to divide up your accounts?

A. It is quite necessary to show the whole cost of the park. In order to do that, the superintendence has to be divided among the different parks. It has always been the custom. Mr. Olmsted's services were divided in the same way.

Q. Well, Mr. Olmsted never occupied the position that Mr. Pettigrew does now?

A. Well, this work was what they call superintendence of design — practically the same services.

Q. Amounted to the same thing?

A. Practically the same thing under a different name.

Q. (By the CHAIRMAN.) Just one question — when your annual appropriation is made is there so much designated for Franklin Park, so much for Marine Park, so much for Charlestown Park, and so much for East Boston Park?

A. No, Mr. Chairman, the appropriations the Commissioners have been working under for a long term of years have been made by the Legislature, not made by the City Government.

Q. What I want to know is is your appropriation designated?

A. Not at all.

Q. Then why are the services of the Superintendent designated for the different parts?

A. Simply for convenience in distributing the cost of superintendence over the whole system. The only way in which we can charge up a proper amount to the different parks is to divide the services for the year among the different parks — so much to one, and so much to another. That divides the superintendence over the whole system.

Q. Well, what did you say his salary is charged to — construction or maintenance?

A. Charged to construction, usually. Some portion of it may go to maintenance.

Q. Well, by what system of figures do you get that out?

A. By what system of figures?

Q. Which can you charge it to — construction or maintenance?

A. You can charge it to both. For instance, the construction account is now very low, if not exhausted, and his services at present would be charged to maintenance, that being the general work that is being done.

Q. From what appropriation is your salary paid?

A. Charged to maintenance, always.

Q. Altogether?

A. Yes, sir.

Q. You are designated as having a regular yearly salary, are you not?

A. Yes.

Q. And the Superintendent is designated monthly to whatever parks he works on. Is that it?

A. Yes, sir.

Q. And his salary is divided up in that way among the different parks of Boston?

A. Yes.

Q. Do you call that a good system?

A. Oh, yes. Otherwise you could not tell what the cost of the parks was, if you didn't divide up the cost of superintendence.

Mr. MATTHEWS. — Perhaps there is a misunderstanding. I don't understand that the Superintendent's salary is fixed in advance at so much for each park, but at the end of the year it is apportioned.

The CHAIRMAN. —That is what I wanted to get at.

Cross-Examination.

Q. (By Mr. MATTHEWS.) That is done with the engineers, too, isn't it?

A. The engineers are divided in the same way, or, rather, more carefully — wherever their work happens to be.

Q. The salaries paid to the engineering force of the department are apportioned among the different parks?

A. Apportioned among the different parks.

Q. That was also done with the salaries paid to the firm of Eliot and Olmsted?

A. Yes, sir.

Q. And with the amounts paid Mr. Frederick Law Olmsted before Mr. Eliot went into the firm?

A. Yes, sir; and has been done so from the beginning.

Q. And whether or not the expense of the entire park system has been apportioned among the different parks from the beginning?

A. Yes, the general expenses have been divided.

Q. You have kept separate accounts of the cost of the construction of each park, from the beginning, have you?

A. We have.

Q. And they are published every year in your annual report?

A. Yes, sir.

Q. Your annual report contains a table showing the expenditures on each park to date, from the beginning?

A. Yes.

Q. You might show that to the Chairman, in order to explain the matter. Have you a recent park report that will show those tables?

A. I have, yes.

Q. (By the CHAIRMAN.) I want to ask one more question. Supposing, now, it appeared in your report that in 1899 $300 had been charged for Mr. Pettigrew to the East Boston park, and that at the same time, in 1899, Mr. Pettigrew had never showed up there more than once. Was that worth $300?

A. I think, whether he goes there or not, his supervision is given to the park, or his engineer might go, by his orders.

Q. Isn't his entire time given to Franklin Park, and not to the East Boston park at all?

A. No. His time is given to the entire system.

Q. Well, say that he goes over there once in the whole month only?

A. It doesn't make any difference. It comes under the general cost of superintendence, as he superintends the work, engineering, plans, and everything. As a matter of fact, he can do it all from the Pine Bank office, although I don't think he does — I think he went over there a great many times.

Q. You call that a good system of book-keeping, do you?

A. Yes, sir; it is the only system possible.

Q. Do you know of any other department of the city of Boston which draws money out of the treasury that is under that system, in connection with its superintendent, foreman or deputy, where they have supervision over a territory, and their pay is divided up over different parts of it?

A. I don't know.

Q. I don't, either.

A. I don't think they keep accounts as carefully as we do, in respect to that.

Mr. MATTHEWS. — Mr. Chairman, I would like to call attention at this point to the park statistics, on page 57 of the annual report for 1898–99, showing the cost of each park to date. (Handing the report referred to to the Chairman.) I don't care to put it in as an exhibit.

The CHAIRMAN. — Does anybody care to examine Mr. Clarke further?

Re-direct Examination.

Q. (By Mr. LUNDY.) Well, it is a fact, Mr. Clarke, that this system of apportioning the expense of superintendence would hold good, whether or not the superintendent stayed in one section of the department during the year? That is, it is simply a matter or system of book-keeping, isn't it?

A. It is just as you say — a matter of book-keeping.

Q. And it doesn't make any difference whether he never saw Wood Island — that would be charged up in the appropriation.

Mr. MATTHEWS. — No, he didn't say that, Mr. Lundy.

Q. (By Mr. LUNDY.) I am asking whether that is so or not?

A. The Chairman asked how it would be if he went there once, to Wood Island Park. I said that, as a matter of fact, he had been there a great many times, but that, even if he had been there only once, the work he would have to put in on Wood Island Park, in superintending the engineers, the plans, etc., would be such that an item for superintendence would have to be charged to Wood Island Park.

Q. (By the CHAIRMAN.) Charging his time to that park?

A. It should be charged to that park, yes.

Q. Notwithstanding the fact that he may have been doing some work in some other park, actually?

A. I don't think that makes any difference — the actual bodily presence.

Re-cross-Examination.

Q. (By Mr. MATTHEWS.) The superintendent doesn't do it himself, does he?

A. Through his assistants and engineers.

Q. I mean who does the charging up at the end of the year — the superintendent or the book-keeper?

A. The book-keeper.

Mr. LUNDY. — Mr. Clerk, if you will call, as soon as you can, Mr. Putnam, the engineer of the Park Department.

The CHAIRMAN. — Is he in the chamber?

Mr. LUNDY. — No, I want him called.

TESTIMONY OF JAMES D. EDGEWORTH.

Q. (By Mr. LUNDY.) Your full name, Mr. Edgeworth?

A. James D. Edgeworth — James Daniel Edgeworth.

Q. And where do you live, Mr. Edgeworth?

A. Hotel Moss, Union avenue, Jamaica Plain.

Q. And you are at the present time a foreman in the Park Department, or a sub-foreman?

A. Sub-foreman, yes.

Q. How long have you been a sub-foreman in the Park Department?

A. Twelve or thirteen years.

Q. How long have you been in the Park Department, altogether?

A. Since 1884.

Q. Now, where were you stationed in the year 1898, Mr. Edgeworth?

A. Oh, all over the park system, — different jobs, not on any certain job, from one place to another.

Q. And your general duties are those of the ordinary sub-foreman?

A. Yes, construction generally.

Q. You superintend construction, etc.?

A. Yes.

Q. Now, have you at any time had charge of the receiving of loam in any part of the park system?

A. Yes, I have examined loam.

Q. Well, do you recall any particular job you were superintending where you had entire charge of the receiving of loam?

A. Well, there were different places in the park.

Q. Well, now, take last year, Mr. Edgeworth — where were you stationed last year, for any length of time, I mean?

A. Well, I was part of the time at Franklin Park, looking after the maintenance of Franklin Park.

Q. And at that time did you have anything to do with receiving filling or loam?

A. Yes. That would come under my charge.

Q. Now, does it come within the duties of a sub-foreman to have charge of the loam received — or, rather, to receive the loam?

A. Generally the sub-foreman has to examine the loam, see whether it is loam, gravel, or what it is.

Q. Now, at this time do you remember how many loads of loam you received in a day, on an average?

A. I do not.

Q. Well, you can come somewhere near it, can't you?

A. Might be 100, might be more, might be less.

Q. Well, say there were fifty loads of loam, to put it conservatively — would you make it a point to examine all those loads of loam?

A. No.

Q. You wouldn't measure them yourself?

A. No.

Q. Do you know who was measuring the loads of loam at that time?

A. Yes.

Q. Who?

A. Mr. Keilty, a young man.

Q. Who else?

A. That is all.

Q. Ever have Henry Brady working for you?

A. Brady?

Q. Yes.

A. No, I don't think so.

Q. Who was supplying loam at this particular time?

A. Oh, different parties.

Q. Were Whitmore Brothers supplying any?

A. Last year? I don't think so — to me.

Q. At this particular place, I mean?

A. They may have in different places.

Q. Who else besides Keilty was receiving loam and measuring it?

A. For me?

Q. Yes.

A. Nobody else.

Q. Nobody but Keilty?

A. Not that I remember of.

Q. Now, do you measure loam yourself?

A. Yes; I take the dimensions of a team when there is a crowd of teams come in — take the measurements and give it to the young man, and he will figure up the amount.

Q. Well, are you directly responsible for the measurement of every team?

A. No.

Q. Well, those teams that you measured — were they double teams or single teams?

A. Double teams — both; but on double teams, mostly, I measured. Yes, sir.

Q. And you yourself made out certain checks, did you, or dictated certain checks that were made out for loam?

A. I made them out and the boy would sign them — gave him liberty to use my name and sign them.

Q. You are thoroughly familiar with cubic measure?
A. Ought to be so — yes.
Q. You are?
A. Yes.
Q. Then you could measure the ordinary team?
A. Yes.
Q. That contained loam or filling?
A. Yes.
Q. And you could at the present time give us anything in cubic measure, could you?
A. Yes.
Q. You could?
A. Certainly.
Q. Now, have you worked under the personal direction of Mr. Shea at all?
A. Yes.
Q. Does Mr. Shea come around to where you are working frequently?
A. Yes.
Q. Does Mr. Pettigrew come around?
A. Yes.
Q. Have you ever had any talk with Mr. Pettigrew about the quality of loam you were receiving on any particular job?
A. What is that?
Q. Have you ever had any talk with Mr. Pettigrew about the quality of loam you were receiving on any particular job?
A. Oh, yes — sometimes he would question me on it, yes, on loam.
Q. And did Mr. Pettigrew ever find any loam that wasn't fit to receive?
A. Did he what?
Q. Did he ever find any loam that was not fit to receive?
A. Well, he objected to some, yes.
Q. Who did?
A. Mr. Pettigrew.
Q. Mr. Pettigrew objected to some. Now, where was that?
A. Abbott's Woods, in one place, and Jamaica Plain in another.
Q. Who was supplying that loam that he found was wrong?
A. I don't remember now. I think it was Mr. King at one place.
Q. That was King's loam?
A. I think so — wouldn't say for sure. I think so.
Q. Was Whitmore delivering loam at that place?
A. He was, yes.

Q. Did he ever find any fault with any he delivered?
A. Yes, he did.
Q. Well, who else did he find fault with?
A. I don't know any more — a couple of times he objected to loam.
Q. Well, you think they were the only two men he found any fault with?
A. Yes.
Q. King and Whitmore?
A. Yes, a couple of loads. That is about all.
Q. Well, what was the quality of the loads he rejected?
A. Oh, probably kind of half yellow, kind of sandy stuff.
Q. Sandy loam, or sandy stuff that he was passing for loam?
A. Yes.
Q. Did you see Mr. Shea pretty often?
A. Oh, yes, about every day.
Q. Well, whether or not you knew a suspension of employees was coming about February, about the first of February?
A. I heard rumors of suspension, yes, sir.
Q. Well, you knew it was coming, didn't you?
A. No, I didn't know. I heard rumors of it — not from Mr. Shea.
Q. Well, you heard rumors of that. And you went to Mr. Shea and spoke to him about it, didn't you?
A. No.
Q. You didn't speak to Shea?
A. I don't think so — not that I remember of.
Q. Would you remember it if you had spoken to Shea?
A. Well, I should think I would.
Q. Now, whether or not you ever spoke to Shea about holding your job when the suspension came?
A. No, sir.
Q. Where are you working now?
A. In Franklin Park.
Q. How many men have you got under you?
A. I have got fourteen today.
Q. And how many did you have before the suspension?
A. Oh, well, — sometimes I had various numbers.
Q. I understand, various numbers, but how many before the suspension?
A. Sometimes thirty, more times forty, sometimes a lower number.
Q. Well, on the average between thirty and forty, didn't you?
A. Yes, sir.

Q. Do you know Mr. Martin, sub-foreman?
A. No, I don't know him.
Q. Don't know any Martin?
A. No.
Q. Know any Murphy?
A. No, I don't know Murphy either. I might know him to see him, but not by name.
Q. Do you know Joseph McNulty, the sub-foreman?
A. I do not, no.
Q. Now, Mr. Thompson worked under you didn't he?
A. He did, yes.
Q. Now, you recall that Mr. Thompson was sick, or working somewhere else, and that he sent a man to take his place, don't you?
A. Yes, I understand so, yes.
Q. And you know who that other man was, don't you?
A. I had a knowledge of him, yes.
Q. Well, you know what his name is?
A. Yes.
Q. John Murphy, isn't it?
A. Yes, that is the name.
Q. Now, did you carry Mr. John Murphy on your pay rolls at all?
A. Not now, no.
Q. But he worked under Thompson's name, didn't he?
A. Yes.
Q. For six weeks?
A. Yes.
Q. Now, did this same Murphy ever work under the name of Corliss?
A. Yes.
Q. Corliss had been in your division for how long, working under you?
A. Well, worked on and off under me a great many years. I don't know how long.
Q. And Corliss left the country, didn't he?
A. I don't know.
Q. Well, you know he left the employ of the Park Department?
A. I don't know whether he left it permanently or not.
Q. You think possibly he may come back sometime?
A. Yes.
Q. But he left the Park Department sometime ago?
A. Yes.
Q. Now, who took his place?
A. Well.

Q. Wasn't it Murphy?
A. Murphy took his place for a while, yes.
Q. For how long?
A. Probably two or three weeks.
Q. Wasn't it two or three months?
A. No, sir.
Q. Won't the records show that Mr. Corliss' name remained on your pay-roll for at least three months?
A. I don't think he remained there — didn't work that long; must have been suspended for quite a while.
Q. Who makes up the pay-roll?
A. I don't know who makes the pay-roll up. That is made up in the office.
Q. Well, you are responsible for the different men working under you, of course?
A. Well, yes.
Q. And you know that the name of Corliss appeared upon your salary list for at least three weeks?
A. Yes.
Q. After Corliss had left the department?
A. Yes.
Q. And you knew Corliss was not sick?
A. I knew he wasn't sick, yes — I didn't know he wasn't sick, no.
Q. Well, you knew he had left the department?
A. Yes.
Q. You didn't know he was coming back?
A. No.
Q. You put Murphy on?
A. Yes.
Q. Where did you get him?
A. Murphy came to me, and Corliss told him he wanted him to take his place until he came back, so as to hold his name on the list.
Q. On the list?
A. On the pay-roll, to keep him from being discharged under Civil Service, yes.
Q. Now, who recommended Murphy to you in the first place?
A. Well, he came himself.
Q. I know, but somebody recommended him to you, didn't they?
A. No, not one.
Q. Are you in the habit of taking men on your pay-roll that haven't any recommendation at all?
A. Never, only this man.

Q. And this man you used on two occasions under the name of two other men?

A. Yes.

Q. Now, haven't you other men in the department who are doing that at the present time?

A. Not that I know of.

Q. Would you know it if they were?

A. I don't know — don't know of any men but my own.

Q. Well, you are supposed to know about the business there. I don't mean — don't misunderstand me — under any other sub-foremen, but under yourself; whether at the present time, you have men there working under other men's names?

A. Not that I know of.

Q. You would know it, if you had them, wouldn't you?

A. I might not.

Q. You have a gang of fourteen men now?

A. Yes.

Q. And you know all of them personally?

A. Yes.

Q. Didn't you pick those men?

A. No, I don't pick them. They come to me from the different gangs.

Q. I understand, but you know the names of all those men?

A. I know the names, yes.

Q. Now, answer the first question absolutely — have you men now working in your division under names that are not their own?

A. Not that I know of.

Q. You said you don't know anything about Henry Brady?

A. No, I don't.

Q. Never worked under you?

A. No. I don't know Brady — may know him and may not, but I have forgotten about him.

Q. Have you had any filling or loam delivered to you in the last six months, under your direction?

A. No, sir.

Q. The last you had delivered to you was when?

A. Might have been over six months.

Q. Well, in the spring of last year you had some, didn't you?

A. Yes.

Q. Do you recall the contractors who delivered it to you?

A. Well, some of them I do.

Q. Well, did Mr. James Dolan deliver any to you?

A. He delivered about twelve loads to me.

Q. About twelve loads?
A. Yes.
Q. Well, do you know whether or not Mr. Dolan was delivering loads at any other part of the park at that time?
A. Yes. I simply stopped those loads on the way, to do some work I was doing at the time.
Q. But you know he was doing general work there then?
A. Yes.
Q. Do you know Dolan pretty well?
A. Know him to meet him.
Q. How often do you meet him?
A. Might meet him once a week or a month, or two or three times.
Q. Well, you can meet him any time you want to, can't you?
A. Yes.
Q. Know where to find him?
A. Yes.
Q. And he is a friend of yours?
A. Well, friendly, yes.
Q. Ever have any talk with Shea about Dolan?
A. No.
Y. Any talk with your fellow sub-foremen about Dolan?
A. No.
Q. Did you ever know of Dolan having any of his stuff rejected?
A. I don't know of any.
Q. You never rejected any?
A. No.
Q. McShane never delivered anything to you, did he?
A. No — don't know him.
Q. Coburn, last spring, did he deliver any?
A. I don't remember.
Q. Mr. King?
A. Yes, King did.
Q. He delivered considerable, didn't he?
A. Well, he did deliver quite a little.
Q. Did you ever reject any of King's stuff?
A. Yes.
Q. Yourself or Mr. Pettigrew?
A. Myself.
Q. Well, now, Mr. Edgeworth, when you receive a quantity of stuff that is not good, do you ever do anything beyond rejecting that particular load? Do you ever make any complaint about it?

A. I don't give any checks for it—tell my young man making out the checks not to give him a check for that load, let him take it back or dump it, whichever he pleases.

Q. That would be a load that you would personally see?

A. Yes.

Q. That same contractor might come the next day and deliver a bad load, when you were not there?

A. Well, the young man would report it to me, and he wouldn't get a check.

Q. I understand; but it would be possible for the same contractor to deliver a bad load the next day, as far as you are concerned?

A. No.

Q. You would keep particular watch of that contractor?

A. Yes, sir; if I should catch him once I would watch him again.

Q. Then, you examined after that all submitted by this particular man King, for instance?

A. Any man that I would find doing that.

Q. Now, you had charge of a gang of men working around Jamaica Pond, didn't you?

A. Yes.

Q. And you know all about the tearing down of that wall, don't you?

A. Which wall do you mean?

Q. The wall around Jamaica Pond?

A. On the street? That is the only wall that I know of.

Q. Well, you know of some wall there at Jamaica Pond that you tore down, don't you?

A. I tore down a good many walls.

Q. How many walls did you tear down?

A. Tore down the old icehouse walls there. You know where that was — up at Prince street?

Q. Tore down the walls around the icehouse?

A. Yes, sir.

Q. What were they built of?

A. Cobble stone, field stone, as they call it.

Q. Field stone and Roxbury pudding stone?

A. Yes.

Q. And what was done with that stone?

A. I placed it into a bank wall, along by Prince street — all the stone we took out of there.

Q. All the stone you took out of there you put into a bank wall at Prince street?

A. Yes.

Q. What other walls did you destroy there?

A. Took down a wall at Pond street a short while ago.

Q. That wall that was taken down at Pond street, what was that constructed of?

A. Granite.

Q. And what was done with that granite?

A. I threw it in the pond.

Q. Now, how much of that granite was there that you threw into the pond?

A. Well, I might give a rough estimate. I don't know exactly how much.

Q. Well, you have some idea of how much stone there was there, haven't you?

A. Might be three hundred or four hundred ton — probably two hundred or three hundred tons, say.

Q. Would you say two hundred?

A. May be two hundred and may be less, I will say.

Q. You started with four hundred. It wasn't less than two hundred, was it?

A. Well, might be — I don't know.

Q. Well, say 150 tons. What is granite worth a ton?

A. Well, that kind of granite wasn't worth much.

Q. Why? How did it differ from any other granite?

A. Well, a poor granite.

Q. Where does it come from?

A. Quincy granite, top of a ledge.

Q. How do you know it comes from the top of a ledge?

A. I know from the substance of the granite.

Q. You are an authority, then, on the substance of granite?

A. I know something about it, yes.

Q. By the way, do you know when this wall was built?

A. I don't know exactly the time, but may be five years ago.

Q. May be five years ago?

A. May be, probably that, and may be more. I couldn't say.

Q. You have heard, have you, how much it cost to build that wall?

A. No, I don't know the first thing about it.

Q. How long a wall was it?

A. Probably four hundred feet.

Q. Four hundred feet?

A. About four hundred feet, I should say.

Q. And all that granite was thrown into the pond?

A. Yes.

Q. Under your directions?

A. Well, the Superintendent — Mr. Shea's; Mr. Shea sent me there.

Q. Well, which was it — Pettigrew or Shea — that told you to throw that into the pond?

A. Well, Mr. Shea sent me there. I got my orders from Shea.

Q. You got your direct orders from Shea?

A. Yes.

Q. Now, did you do anything else there about tearing down walls?

A. Not there, no.

Q. Where else in that neighborhood did you tear down walls at that time?

A. Well, took some down at Ward's Pond — there was a few stones at Ward's Pond, wouldn't call it actually a wall.

Q. Speak up louder, Mr. Edgeworth?

A. I have got a little cold — was sick yesterday, and am not very well to-day.

Q. Sit here closer, if you would rather.

A. Well, I will holler out.

Q. Now, at Ward's Pond did you take part in the destruction of those bridges and culverts there?

A. Yes.

Q. Well do you know what they were manufactured off?

A. Yes.

Q. What?

A. Oh, boulders, field boulders.

Q. Yes.

A. Of a very cheap kind.

Q. And there was some face stone there?

A. No, sir; no face stone at all; it was rubble.

Q. That stone was thrown into the pond?

A. Yes.

Q. Not thrown into Ward's Pond, was it?

A. Yes, all the stuff there.

Q. You threw some into the ponds adjacent to Ward's Pond?

A. No.

Q. Not at all?

A. No, just Ward's Pond.

Q. That is, the main pond?

A. Yes, sir.

Q. And that is drained at the present time, isn't it?

A. I believe so.

Q. Why do you believe so?

A. Well, I heard so.

Q. You have been told about it?

A. Yes.

Q. Now, to come back to this stone that you threw into Jamaica Pond, wouldn't you say that that granite was as good as the average granite that you have seen in the Park system?

A. No, sir.

Q. You would not?

A. No.

Q. Did you note the quality of granite particularly at the time you threw it in?

A. Yes.

Q. Well, why.

A. Because I noticed that it was rough, seamy granite. Just blown from top of a ledge — a good many times they used it for cutting granite blocks out of it. It is very cheap — get it for the carting away from Quincy at any time.

Q. Get it for carting away?

A. Yes.

Q. And it never occurred to you that the granite was too good to throw into the pond?

A. No.

Q. Did they ever tell you why they were throwing it into the pond?

A. I never knew.

Q. But you thought yourself it was the cheapest way of getting rid of it?

A. I followed my orders.

Q. Well, if you were told to throw the Public Library into the pond you would do it, wouldn't you?

A. I obey my orders.

Q. Certainly — you had no individual opinion on the value of that stone at all, one way or the other?

A. Oh, I thought the value of it didn't amount to very much.

Q. And you thought that at that time?

A. Yes.

Q. Now, do you know that that wall cost $6,000?

A. I don't know what it cost.

Q. Well, might it cost that? Do you know anything about the building of walls?

A. Well, a little, yes.

Q. Have you ever taken any part in the building of a wall?

A. No.

Q. Could you say anything about the value and the labor required to put up that wall?

A. Well, no. I never paid any particular attention to it. I suppose if I figured on it I might.

Q. Well, could you figure to this amount, that that wall did cost $6,000 or almost that?

A. It may have.

Q. It may have?

A. It may have, I don't know.

Q. Then you think that, possibly, a wall four hundred feet long, made of that cheap stone, as you describe it, would be worth $6,000; that is, counting labor?

A. It might be, I don't know.

Q. Well, you wouldn't say that it wouldn't be worth that, would you?

A. I don't know.

Q. Don't know anything about it?

A. I don't know what it would cost.

Q. All you know is that everything you had there you threw into the pond. Is that so?

A. Yes.

Q. Now, Mr. Edgeworth, you have measured a great many carts of loam?

A. I have.

Q. According to cubic measure?

A. Well some.

Q. Well, you have measured a number, haven't you?

A. Yes.

Q. You are competent to do that?

A. Yes.

Q. And if I gave you a little proposition, now, you could work it out, could you?

A. Might take a little time. I am slower than the average.

Q. It is in cubic measure. Even if you are slower than the average, I suppose you can work it out now?

A. I won't try to.

Q. You won't try to?

A. No.

Q. Well, you may not refuse when I give you the proposition. I will just ask you this question, if you will make a note of it — or do you refuse to do this?

A. I refuse to do it — yes.

Mr. MATTHEWS. — What is it, Mr. Lundy?

Mr. LUNDY. — This man has testified that he is fairly familiar with cubic measure; that it has been a part of his business to measure carts. My contention is, at the present time, that the man cannot measure a cart; that he is utterly incompetent, as far as any mathematical ability goes in this line. I propose to submit to him just one simple example in

cubic measure, and ask him to work it out for this committee. Now, he can do it or he need not do it. This man, you understand, is set up as one of your best foremen.

Mr. MATTHEWS. — Yes, but he doesn't work at figuring up — he simply makes the original measurements. Isn't that it?

Mr. LUNDY. — Well, I have this example. If he wants to do it, all right; if he won't do it, all right. But he comes here as one of your best foremen.

Mr. MATTHEWS. — A man who takes measurements of a cart need not be an expert in computation.

Mr. LUNDY. — But if he can do it on a cart, he can do it as stated in this example. Of course, if he objects, all right.

Mr. MATTHEWS. — Well, he doesn't have to calculate. All he has to do is to take measurements.

Mr. LUNDY. — Well, anybody can make them.

Mr. MATTHEWS. — You are asking him to make some computations.

Mr. LUNDY. — A very simple one, which is just what he might find on an ordinary team. If he doesn't wish to do it he needn't.

Mr. MATTHEWS. — He is not obliged to.

Mr. LUNDY. — When it comes down to that, he is not obliged to testify. That is an open question, too, but he does testify. Now, I ask him to give me the figures in connection with the measurement of a team, and if he is unable or unwilling to do it, I will not press it.

Mr. MATTHEWS. — He said he was not willing.

Q. (By Mr. LUNDY.) You consider that you are quite competent to get at cubic measure?

A. Yes.

Q. But you are not willing to do a simple example?

A. No.

Q. You are not willing to tell us what the result would be, what the answer would be to this question: Take a team 6.3 feet in length, by 2.8 feet in width, by 2.2 feet in height, for this special example, and you are not willing to tell us how many cubic feet there will be in that?

A. No. I would not tell you, anyway.

Q. Well, can you, as a matter of fact, Mr. Edgeworth, figure that out?

A. Certainly I can.

Q. If your job depended on it could you figure it out now?

A. I certainly could.

Q. But you are not willing to devote a couple of minutes to do it for this committee?

A. No.

Q. (By Alderman GERRY.) Mr. Edgeworth, I understand you to say you acknowledge that you received two men in Thompson's place? Did you?

A. Yes.

Q. And you knew at that time that they came contrary to civil service?

A. Well, may have, but it is often done.

Q. But it is often done — by you?

A. No, in different other departments it is done.

Q. Never mind about the other departments. Are you charging other departments of the city of Boston with evading the Civil Service law? Do I understand that?

A. No, sir.

Q. You mean other departments in your department? What did you mean by that answer?

A. I know of it being done.

Q. Where? You say you know of it. You have made an assertion that there is a certain breakage of law. Now, where?

A. Done in the Paving Department, Sewer Department.

Q. Where, in those departments? I don't say it is done — you say it is.

A. Well, I shouldn't want to put anybody's name to it, wouldn't name them, but it has been done.

Q. Well, you have done it, haven't you? You acknowledge that you have?

A. Yes — I acknowledge that I put this man to work.

Q. Now, how did you get your position? In the first place, were you a laborer when you first went there?

A. Yes, sir.

Q. How did you get your position?

A. That was years ago.

Q. Through whom?

A. Mr. Wightman. He is dead now.

Q. Under civil service?

A. No.

Q. When you became a sub-foreman, how did you get that?

A. Through civil service.

Q. You know all about civil service?

A. Know something about it.

Q. You were required to?

A. Yes, sir.

Q. What good is civil service, in your mind — to keep out some of your people that you didn't like? Is that it? Well, I will take that back — some people you didn't like.

What is civil service, in your mind? What idea have you of civil service? Why is it on the statute books?

A. There are plenty of men that go and work under different men's names. This man came to me —

Q. You mean through the Park Department? You mean that that is a common thing in the Park Department — favoritism, in other words?

A. No, sir.

Q. You say there are plenty of cases, yourself. Those are your own words.

A. Nobody in the Park Department but myself.

Q. Well, you said so. Why do you take it back now?

A. I say there may be.

Q. You say now that there may be. You put it in a sort of potential way — that there may be. Now, in point of fact, you would never have said "maybe" unless you knew it was so. Now, why are you charging your other foremen or sub-foremen, the officials of the Park Department, with that thing, and then saying, "There may be"?

A. I am not charging anybody with my doings.

Q. I am not talking about your doings, but I am talking about what you say other people do. We know what you have done — you have been guilty of a certain misdemeanor, greater or less.

A. I don't know of anybody in the Park Department that has done the like.

Q. That is, you don't know when I ask the question now, but you did know before. You said in your department, when I asked you before?

A. No, I said different departments — pardon me.

Q. Different departments. I know, but what different departments?

A. Well, the Paving Department, Sewer Department and Sanitary.

Q. When?

A. Oh, I have known different cases — not giving the names.

Q. Well, when? How long ago?

A. Two or three years ago, probably.

Q. In the last three months have you known anything of that kind?

A. No.

Q. No, I guess not. Now, there is another question that I would like to ask you. You have said you thought that was a common thing in the department. What do you expect will happen to you, in your position, if your superior officers in the Park Department found that out?

A. Well, this man came in and said he was sent there, that his name was Thompson.

Q. I know, but Thompson was a sick man, or working in another shop, a piano shop, or whatever it was?

A. I don't know about that.

Q. And Murphy was doing his work and drawing his pay on his name, or somebody's?

A. He came to me under the name of Thompson, and I put him to work, and I knew the man and knew he was pretty poorly fixed, and let him go ahead.

Q. That is, Thompson was all right, and he got through somehow or other, nobody knows why he got through, but he left the job, and then Murphy was put on and you let him stay, and he is still there?

A. No, he is not.

Q. Well, there were two cases of that kind — I understand that you also let Murphy work for Corliss. That is another case, that I have just heard of. What do you think would happen to you if any of your superior officers, for instance, had learned of that?

A. Well, I suppose they would take my head off.

Q. You suppose they would take your head off. Now, I will ask some questions about some stone. There was some granite, stone, or something of that kind, wasn't there, pretty good granite, that was disposed of there? Did you have anything to do with the building of that wall over by the new stable, or the Fisher Greenhouse, — excuse me, the park greenhouse — the old greenhouse place at Canterbury street?

A. No, sir.

Q. You never had anything to do with that, so you don't know about it?

A. No, sir.

Q. Then I will not ask you about that, because, if you don't know anything about it, it is of no use.

Cross-Examination.

Q. (By Mr. MATTHEWS.) You were asked by Mr. Lundy about this stone wall at Jamaica Pond?

A. Yes.

Q. Most of that wall is in place now, isn't it?

A. That is, at the old Morse house, you mean?

Q. Along Pond street.

A. Or the granite blocks — which?

Q. I mean the granite blocks, the wall along Pond street. Most of that wall is in place now, isn't it?

A. It is in the pond. (Laughter.)

Q. How much of it was thrown into the pond? That is my question.

A. Well, probably, may be 150 tons. I put it as low as I can there.

Q. How many courses?

A. Well, I took off one course.

Q. Well, where is the rest of the wall — below the top course?

A. Well, it is right there, right at the surface.

Q. Well, it is where it was, isn't it?

A. Yes, sir; where it was at the first commencement.

Q. Now, the stone that you took off and threw into the pond, how was that cut?

A. Well, it was cut bias and round on both ends. It wouldn't be of much value to anybody except to cut it three times, to use.

Q. It was cut on the bevel, wasn't it, or on the angle?

A. Yes, sir; bevel.

Re-direct Examination.

Q. (By Mr. LUNDY.) Now, you keep the time of your men, of course?

A. Yes.

Q. Do you keep that yourself?

A. I enter it in the book every day, yes.

Q. And who is your water boy?

A. Water boy? Oh, I had different water boys at different times.

Q. Now, during the summer of '99, did you make your own time vouchers for your men?

A. Ninety-nine? Yes.

Q. Can you show us a slip of paper, the form, on which you make your entries?

A. Have it in the morning, like this, with each man's name along (illustrating with paper and pencil), and make dots.

Q. And make dots?

A. Yes. And then at noon time I make a report, mark opposite the names.

Q. You do it in that way?

A. Yes.

Q. You passed a civil service examination for your position?

A. Yes, sir.

Q. And in that you got some questions of cubic measure, didn't you?

A. I guess so, — wouldn't say so now.

Q. You know how many cubic feet there are to a yard?

A. Twenty-seven.

Q. And how many cubic inches to a cubic foot? Figure it out, if you have any doubt. How many cubic inches to a cubic foot?

A. One thousand and seven hundred and some odd.

Q. What? To a cubic foot? How many cubic inches to a cubic foot?

A. Oh; 144.

Q. No, you misunderstand me. How many cubic inches are there to a cubic foot? You had it nearly right the first time?

A. I forget now.

Q. Well, something over 1,700?

A. I guess so.

Q. Now, have you any idea how many cubic yards there are to a cord? Have you any idea about that?

A. No.

Q. You haven't?

A. No. It didn't come in my line. I didn't go there as a clerk — went there as a foreman.

Q. I know, but you did some measuring, didn't you?

A. Just at the team.

Q. Isn't it a fact that you used to make your time entries and everything else?

A. Yes.

Q. Isn't that so — you kept time entries and other books?

A. No, sir; never.

Q. Kept them yourself?

A. Kept my time books, yes, sir.

Q. Is there any other book you were supposed to keep?

A. No.

Q. Did you have somebody else to keep your books for you?

A. No, sir; kept my own time books.

Q. Did you have any other books to keep, at all?

A. No.

Q. (By the CHAIRMAN.) I heard you say that you had 150 tons of stone dumped into Jamaica Pond?

A. About that, I should think.

Q. What is the depth of water in Jamaica Pond?

A. I never could tell you.

Q. Where were these 150 tons of stone dumped out of?

A. Out of a wall along Pond street.

Q. Is that very close to the pond?

A. Well, it is right on the edge of the pond, yes.

Q. What was that stone? Was it granite stone, or what was it?

A. Granite stone, yes.

Q. Granite stone?

A. Yes.

Q. Was there a wall building around there anywhere where that stone could be used?

A. Not that I know of.

Q. Couldn't that stone be used in the park system for any purpose?

A. Oh, I suppose it could.

Q. Could be?

A. Yes.

Q. Could that stone be sold to any contractor?

A. Well, a man might be fool enough to buy it.

Q. Was it granite stone?

A. Yes, granite.

Q. Valuable, wasn't it?

A. No, not valuable, no.

Q. Not valuable?

A. No, sir.

Q. And you tell me that granite stone isn't valuable?

A. Well, some part of it is.

Q. How much — some of the largest pieces of it?

A. About two ton.

Q. You say that had no value at all?

A. Oh, some value, but very little.

Q. Wouldn't it pay a man to take it away or to pay something for it?

A. No, sir.

Q. It wouldn't?

A. No, sir.

Q. Dumped it into the pond?

A. I think so.

Q. If that pond was drained now, that stone couldn't be found, could it?

A. Well, yes, of course it could be found.

Q. Could it?

A. Certainly.

Re-cross-Examination.

Q. (By Mr. MATTHEWS.) That is the same stone which the Chairman has been asking you about, that you testified a moment ago was cut on the bevel?

A. Yes.

Q. (By Alderman GERRY.) Do you profess to be an expert on stone of any kind?

A. No, sir. I do a great deal of laboring work.

Q. Laboring work, yes, but are you an expert on stone?

A. I know something about it.

Q. Enough so that you know when you look at stone whether you like it or do not? But what is an expert, may I ask?

A. Oh, engineers and so on.

Q. Well, an engineer is an expert. What makes him an expert?

A. Well, his profession, I suppose, entitles him to be an expert.

Q. Well, his profession is nothing if he doesn't know how to handle it, is it? It is his education, isn't it?

A. Yes.

Q. In order that a man may be an expert, he has to have a special education in certain things?

A. Yes, or a practical education.

Q. Now, you speak as one having an education on stone?

A. A practical education.

Q. That is, you say that your practical education makes you an expert in judging of the price of granite, does it?

A. Yes, that is what I say.

Q. Now, have you any idea what it costs to drag that granite from Quincy over to Jamaica Pond — whether it is good, bad or indifferent?

A. Well, it costs more than the stone is worth.

Q. Costs more than the stone is worth?

A. Yes.

Q. Well, do you know how it happened that they put such poor stone in there? They were economizing, were they?

A. This was stone blown out of the top of a ledge.

Q. How do you know it was stone blown out of the top of a ledge?

A. I have worked there, and know for a fact that that is so.

Q. Where?

A. Quincy Ledge.

Q. Did you ever see this blown off the top of a ledge?

A. They don't drill this rough stone any other way. They cut the good stone for monumental works and other things, and the rough stone is used for granite paving blocks, and it is given to Swedes and fellows who get it for nothing and cut it up.

Q. Isn't it the same thing that they would put into a dock, for instance, in Liverpool?

A. I never was in Liverpool.

Q. Well, if you were going to build a dock in East Boston, isn't that what you would use?

A. This was just simply fit for building a rip-rap.

Q. Rip-rap?

A. Yes, sir.

Q. Did you see every piece of stone that was thrown in there?

A. Well, all that I threw in I saw, yes.

Q. (By Mr. MATTHEWS.) You say something about your experience in a quarry. Have you ever worked in a quarry?

A. Yes, sir.

Q. Where, and for whom?

A. I worked for McDonald, over in Quincy, at one time.

Q. Did you ever have charge of any quarry work for the Park Department?

A. Yes, sir.

Q. Where?

A. In the ledge at Franklin Park, and I had charge also over in the Arboretum.

Q. How long did you cut, or work in a quarry for McDonald, in Quincy?

A. Oh, some years ago I worked there a few months, and then at Moon Island outlet.

Q. For whom did you work at Moon Island?

A. Sylvester & Parker. They were the contractors at that time?

Q. You worked for the contractors there?

A. Yes, sir.

Q. Your work in the Park Department was done under Mr. Howe, wasn't it?

A. Yes, sir; that is, at Franklin Park.

Q. Did you have any talk with any contractor about his buying this stone at Jamaica Pond that was thrown into the pond?

A. Yes, sir.

Q. Now, will you state what that was?

A. Well, a couple of gentlemen came along one day, and came over to where I was —

Q. (By the CHAIRMAN.) Who were they? What were their names?

A. I only knew one man. I don't know the other.

Q. What is his name, please?

A. Jacobs.

Q. You mean Jacobs the contractor in Roxbury?

A. Yes.

Q. (By Mr. LUNDY.) Frank or Charles?

A. Well, Charles, I guess.

Q. (By Mr. MATTHEWS.) Charles Jacobs, a Roxbury contractor?

A. Yes.

Q. Well, what conversation did you have with him about this granite stone at Jamaica Pond that was thrown into the pond?

A. He told me he was going to figure on building a wall, and would like to see the stone in this wall, and I went over to show it to him, and he looked at it and said it didn't amount to much, but if he got the job he was figuring on, he would take it.

Q. Did he say what he would pay for it?

A. No, sir; I told him I thought he could buy the stone, if he wanted to. So he said he would see about it if he got this job he was figuring on.

Q. Any other talk with him?

A. Then he came back once after that, with another man. He had figured on the job, and it wasn't granted to him; there was a lower bidder than him; and he was talking about it, and said it wasn't worth stowing away, picking out. He said if he took the stone he might pick out some good ones and let the poor remain.

Q. Did he say anything at that time as to what he would pay for it?

A. No, sir; didn't say what he would pay for it, but that it wasn't worth much. But he was figuring on the wall, and, if he got the wall, well and good, he would try to get the stone.

Q. If he got this contract?

A. Yes, sir; if he got this contract.

Q. In the second conversation did he say he would pay anything for the stone if he took it away?

A. No, sir. The other man made the remark that the stone wasn't worth carting away for the keeping.

Q. Anything said about a derrick, that you recollect?

A. I don't remember about the derrick.

Q. And that was Mr. Charles Jacobs?

A. Yes, sir.

Q. Now, about what time were those two conversations, as far as you remember?

A. Oh, I guess they may be six or seven weeks ago. I didn't keep track of them — didn't take much notice, in fact, at the time, anyway.

Q. Are there some of those beveled stones still lying around the shores, so that you can see them now?

A. There are a few, I guess, around there now, yes.

Re-direct Examination.

Q. (By Mr. LUNDY.) Do you know, Mr. Edgeworth, what granite spalls are, and grouts?

A. Spalls of any kind?

Q. Well, spalls, as applied to granite, would mean cracked granite?

A. Yes, rubble.

Q. Now, do you know of any place where you can get granite spalls for less than $2.75 a yard?

A. Get it sometimes for carting it away.

Q. Do you know any place where you can buy it, if you want it, for less than $2.75 a yard?

A. Get it for carting it, cleaning it away. When they are cleaning away the ledges, out in Quincy, you can get it for nothing.

Q. Now, do you know of any place where, at that time, you could get granite spalls, if you wanted them, for less than $2.75 a yard?

A. I don't.

Q. You know that is a fair price for them?

A. I don't know what they pay for them.

Q. Well, you have worked in a quarry?

A. Yes, sir; but I never asked the price.

Q. Do you know anything about the price of block granite, in the block?

A. Block granite?

Q. Paving blocks, or rough stone, or whether it is finished or not — say Quincy stone?

A. According to the quality and quantity of the stone.

Q. That is worth $3.50 to $4.50 a yard — isn't it, — block granite?

A. Some is.

Q. Well, medium or fair granite?

A. I wouldn't call this block granite.

Q. No, you wouldn't call that granite — wouldn't set any price on that in whatever form it was? It was only fit to be thrown away?

A. Poor granite.

Q. The only use that it could be put to was just to throw it away, and that was what was done with it?

A. Yes.

Q. (By the CHAIRMAN.) What was that man's name in Quincy that you said you worked for?

A. McDonald.

Q. McDonough?

A. McDonald.

Q. Do you know what his address is?

A. No, I do not. It is such a long time ago, so long ago.

TESTIMONY OF HUGH WATSON.

Q. (By Mr. LUNDY.) What is your full name?

A. Hugh Watson.

Q. And where do you live?

A. 15 Bradshaw street, Dorchester.

Q. You are employed in the Park Department?

A. Yes, sir.

Q. And your position is that of sub-foreman?

A. Foreman.

Q. How long have you been employed in the Park Department?

A. Probably fifteen years.

Q. How long have you been a foreman?

A. Fifteen years.

Q. And you are at work at the present time?

A. At work, yes, sir.

Q. You did not come under that suspension, then, in February, or at any time?

A. No, sir.

Q. What were you doing in the spring of the present year, Mr. Watson?

A. The spring of the present year?

Q. Yes.

A. I think I was grading.

Q. Did you have any part in the taking down of walls in the present year?

A. In the present year?

Q. Yes.

A. No, sir; I don't think I had.

Q. Did you tear down any in the spring of last year?

A. No, sir; I don't think so.

Q. Did you take any part in erecting a wall in Franklin Park?

A. Yes, sir — what year?

Q. Well, did you erect a wall this spring in Franklin Park?

A. Well, I repaired walls.

Q. You repaired a wall there?

A. Yes.

Q. Well, how much repairing did you do on that wall?
A. Probably three days' work.
Q. Didn't you build a wall there in the last year?
A. Yes, sir.
Q. Is that the same wall?
A. No, sir; I am speaking of a wall on Bussey street.
Q. That is the one you repaired?
A. Yes.
Q. Now, about the wall on Franklin Park — that is the wall you built, isn't it?
A. Yes, this winter.
Q. How long a stretch of wall did you build there?
A. I would say five hundred feet or more.
Q. And what is that wall constructed of?
A. Roxbury pudding stone and granite.
Q. Where did you get your material?
A. All over the fields — different places all through the parks.
Q. None of them purchased, were they?
A. None of them purchased.
Q. Now, have you had anything to do with the selling of material belonging to the Park Department?
A. No, sir.
Q. Don't know anything about that?
A. No, sir.
Q. Now, do you remember in what month you built this wall in Franklin Park?
A. Of what year are you speaking?
Q. This wall you built in Franklin Park?
A. Last winter and this winter — two years, yes, sir, 1899 to 1900.
Q. Haven't you had occasion since to repair that wall that you built?
A. Yes, sir.
Q. Why was that?
A. On account of the sliding of the banking. It was not filled up, but was left over from the spring, and the fall rains made the heavy banking come against it, and the wall bulged.
Q. The wall bulged?
A. Yes, sir; bulged out.
Q. How much of that wall did you have to repair?
A. I can't say I have repaired it — tore it down about a foot, to make a brick wall on top of it. I did have to take the gravel away from the back of it, to hold it so that the brick wall wouldn't give in.

Q. Under whose supervision did you build that wall, originally?

A. Mr. Pettigrew's.

Q. Under Mr. Pettigrew's plans?

A. Mr. Putnam's plans.

Q. And under Mr. Pettigrew's directions?

A. Yes, sir.

Q. Now, you had considerable experience in building that wall?

A. Yes, sir.

Q. And no part of that wall was constructed under your own personal ideas?

A. Well, I had to go by their ideas, other people's ideas.

Q. If you had built that wall according to your own ideas, would it have bulged at that time?

A. I would rather say it would; yes, sir.

Q. Now, could that wall have been stayed, propped?

A. It would have been stayed if I had time enough in the spring to ballast it.

Q. That is the time you built it?

A. Yes, sir; it was left over to the winter to haul ballast, to ballast it in the spring, and it was neglected, because I was brought into other work.

Q. Who was the cause of your neglecting that wall?

A. Well, I left it.

Q. Well, under whose superintendence?

A. Mr. Pettigrew's.

Q. And Mr. Shea's?

A. And Mr. Shea. I was put on to other work.

Q. And you left that?

A. Well, I thought myself that the wall would stand until we got back in the fall.

Q. But you knew it was very uncertain?

A. No, I wouldn't say that.

Q. But you were taken away from that work by Mr. Pettigrew and Mr. Shea?

A. Yes.

Q. And, because you were taken away and the work was not complete the wall bulged?

A. That wall was filled in, back of it, with gravel, when I was away.

Q. Now, you had something to do with the ballasting of that wall, later, didn't you?

A. As I went along after that, when I started the second time, I ballasted as I went. I took the gravel out and I ballasted it.

Q. Now, do you remember what you used for ballast for that wall?

A. Yes, sir.

Q. What was it?

A. Broken stone.

Q. Wasn't it broken granite curbing?

A. No, sir.

Q. Didn't you see any broken granite curbing there?

A. No, sir; not in ballast.

Q. What did you see it in?

A. In the wall.

Q. You saw granite broken or whole, in that wall?

A. Whole — condemned granite.

Q. By whom condemned?

A. The superintendent, inspectors and Park Commissioners.

Q. Who told you that?

A. Well, it is a privilege that the superintendent gives me, to condemn it. When I find anything wrong there, I acquaint my superior with it, show the fault, and he condemns it. If he accepts it, I have to accept it.

Q. Then, upon your recommendation certain stone may be condemned?

A. Yes, sir.

Q. Was it upon your personal recommendation that this particular granite was condemned?

A. Other inspectors.

Q. Was it upon your recommendation? Did you recommend it at all?

A. I saw that the granite was no good to put into curbstone or anything else — would disfigure the curbstones.

Q. Well, it was granite curbing?

A. Yes, sir.

Q. Of some quality?

A. Of some quality, yes, sir.

Q. What would you say that that granite curbing was worth?

A. I understood that the estimate furnished of it at the Back Bay Fens was about $1.55 a foot.

Q. It wasn't worth any more when you used it there, was it?

A. It wasn't worth nothing at all — only fit for walls.

Q. Now, where did you get this curbing from — what part of the park?

A. I got it all from the Franklin Field. It was hauled to the Franklin Field.

Q. Do you know how long before you saw it it had been hauled there?

A. I would say sometime within two years, three years or one year, according as it would be teamed from different places up to Franklin Field.

Q. Do you know how they ship that granite down there?

A. No, sir. It was always sent to Franklin Field, and there was enough there all the time.

Q. Do you know the foremen who had charge of bringing it down to you at the wall?

A. Yes, sir. I would say MacCallum for one, Kelly for another, and Jeffery for another.

Q. Did O'Brien have anything to do with it?

A. Yes, I think so.

Q. If any and all of those men testify that the granite that was then delivered to you was good, you would say that they were mistaken, would you?

A. Yes, sir.

Q. Do you know a man named John Carlin?

A. No, I do not.

Q. Never had a man of that name working for you?

A. No, I don't think I have.

Q. And you have never sold any stuff belonging to the parks?

A. No.

Q. Never have been instructed to?

A. No, sir.

Q. Do you know of any stuff having been sold while you were there?

A. No, sir, I don't.

Q. Now, Mr. Watson, did you take any part in building the walks at Peter's Hill?

A. Yes, sir, I have.

Q. And under whose direction were those walks built?

A. I would say, Mr. Shea and Mr. Pettigrew's.

Q. Have you seen Mr. Pettigrew there at all?

A. I have, sir.

Q. Heard him make any suggestions?

A. Yes, sir.

Q. Were those walks built, in your opinion, properly, from an economic standpoint?

A. I should say yes, suitable for that place, yes, sir.

Q. Now, just what do you mean by that?

A. I mean by that that four inches of stone on that walk was plenty.

Q. Why plenty there? What do you ordinarily put on a walk?

A. The average is six inches.

Q. Now, why did you put only four there?

A. I don't know why. That was my orders.

Q. All you know, then, is that those were your orders?

A. My orders.

Q. Were there over two inches of stone there?

A. Oh, yes.

Q. How many inches?

A. About four inches, sir. I tell you you can't spread broken stone two inches thick.

Q. Why not?

A. Because no stone goes on a sidewalk, on an average, less than four inches. You can't spread it equally.

Q. Well, now, do you want your statement to be this, Mr. Watson, that that walk was built properly, according to economical ideas, or that it was built according to Mr. Pettigrew's instructions, as you took them?

A. Yes, sir.

Q. Now, which was it? Would you build that walk in that way?

A. Would I build it?

Q. Yes.

A. It would depend altogether on how my finances would be.

Q. As a matter of fact, with the proper finances it wouldn't be a good road, would it?

A. No, sir; I wouldn't say that it would be.

Q. And you don't think it is a good road even for that particular place, do you?

A. Yes, sir; I think it is good enough.

Q. Then, why mention the matter of finance?

A. You are speaking of myself.

Q. What has that to do with it, if you are to build a good road there?

A. Of course, you can put in good or bad work, as you want to, and according as you have the material, and your superiors give you the stock to do it.

Q. Did your superiors ever give you proper stock to do the work there?

A. Yes, sir; for the amount of inches they wanted me to cover.

Q. But they only wanted you to cover four inches?

A. That is right.

Q. Weren't two inches of that gravel?

A. No, I don't say that, sir — wouldn't say that.

Q. Would you say that was not so?

A. I would say it was not so.

TESTIMONY OF GEORGE W. H. TIMSON.

Q. (By Mr. LUNDY.) Your full name, Mr. Timson?

A. George W. H. Timson.

Q. Where do you live?

A. 83 Day street.

Q. What is your business?

A. At present messenger, employed in the Park Department.

Q. Well, as messenger, do you have anything to do with the loam books there?

A. As a part of my duty I issue the loam books.

Q. You issue the loam books?

A. Yes, sir.

Q. Now, what is the system upon which you issue loam books?

A. The loam books are issued upon the presentation of a properly receipted order from the foreman or sub-foreman, whoever wants the books.

Q. Any order may do, may it not — supposing it comes from a foreman in charge of a certain gang, any order goes? That is, he may write it on an ordinary slip of paper — is that so?

A. If he writes an order on a slip of paper and signs his name to it, calling for a loam book, yes, sir.

Q. I mean, there isn't any form of order for the books?

A. We have a form of requisition for all material.

Q. Do you furnish that form of requisition to all your foremen?

A. Yes, sir.

Q. Now, have you any means of identifying any particular book of requisitions which you hand out?

A. Any particular book of requisitions?

Q. Any particular mark by which you can distinguish any particular book of requisitions you give to a foreman?

A. Requisitions are issued in blocks.

Q. Can you identify the blocks? Do you number the requisitions?

A. No, sir.

Q. What do you do with a requisition when you get it, after you have honored it, have given the books?

A. File it.

Q. And they are all on record?

A. I believe so.

Q. Now, do you recall any difficulty about twelve loam books credited to Mr. O'Brien?

A. I do, sir.

Q. And how did that occur?

A. It occurred — I believe it was, well, sometime the latter part of 1898. I don't recall the time, but around the vacation time, and we had a boy in the office to do the errands, assist in doing the errands.

Q. Who is he, please?

A. I think his name was Carty.

Q. What?

A. Carty, John Carty.

Q. McCarthy, or Carty?

A. Carty, C-a-r-t-y.

Q. Is that the same boy who afterwards was loam-tallyer?

A. I don't know that he was.

Q. Go ahead.

A. And he had been working with Mr. O'Brien.

Q. Yes.

A. And he came in to get some loam books —

Q. Yes.

A. — with a requisition. I asked him who they were for. No, I failed to ask him who they were for, supposing they were for Mr. O'Brien. O'Brien was at that time receiving loam; and he took them out, promising to bring an order the next day, and it seems that he carried them to the greenhouses at Franklin Park, and he failed to bring the order the next day, and I inquired about it from Mr. O'Brien, and received word from Mr. O'Brien that he never received the books, and on lookimg it up and questioning the boy, I found that he carried them to the greenhouses.

Q. Who was at the greenhouse that he delivered them to?

A. I don't know.

Q. Well, do you know whether or not those books actually were used at the greenhouse?

A. I don't know. I know some of them were, because they were returned — I presume, all of them.

Q. Do you know whose name they were returned in?

A. No, sir; I couldn't say at the present time.

Q. Don't remember that?

A. No, sir.

Q. Did you at the time write a letter to O'Brien about this?

A. Oh, I don't know whether I wrote a letter or the message was verbal.

Q. Well, you know you saw O'Brien twice, don't you?

A. I don't recollect how many times I saw Mr. O'Brien.

Q. Under what foreman was this boy working at the time he took those books?

A. I believe he was — well, previous to the time he got the books he was working at the office, working around the office.

Q. Around your office?

A. Yes, sir.

Q. Then he went to work for O'Brien, did he?

A. I don't know where he went after he went from us.

Q. Well, you know that for a certain length of time he did work under O'Brien?

A. I believe he did.

Q. Well, you believed it strongly enough to give the books and credit them to O'Brien?

A. Yes.

Q. Now, do you know anything about these 800 books that were presented to the office in McShane's name?

A. 800 books? You ask me about 800 books?

Q. 800 checks — eight books, seven or eight books?

A. Well, I know that all books that leave the office leave on requisition. They may have gone to the greenhouses, in the general store there, and they may have been obtained from the greenhouses, or they may have got them direct from me at the office.

Q. Well, that isn't the question I ask you, Mr. Timson. Do you know anything about these seven or eight books that were delivered in McShane's name — these 700 or 800 checks for filling — not for loam, but for filling? Do you know anything about them? Did you ever see them?

A. Well, I certainly saw them, if they left the office.

Q. Well, you heard some discussion about them when they were received at the office, didn't you?

A. When they were received at the office?

Q. Yes.

A. When they were returned?

Q. Yes.

A. I heard some discussion, yes.

Q. Well, you know that Mr. McShane had presented from seven hundred to eight hundred checks that he wasn't entitled to realize upon?

A. I don't know what Mr. McShane did.

Q. Didn't you hear some talk about that, around the office?

A. I was given some books, some stubs and some checks of stuff, to match and figure.

Q. And you figured them, of course, and matched them?

A. As far as possible. It was impossible to match them. They were mixed.

Q. They were all mixed up?

A. That is, the checks were mixed.

Q. Do you recall whether or not at the time you knew whose handwriting those checks were in?

A. They were in several handwritings, I should think.

Q. Well, there were some in Kelly's, weren't there? You knew Kelly's handwriting?

A. Certainly. The majority of them were in Kelly's handwriting.

Q. Do you remember at the time whether you discovered anybody else who had written those checks, or the name of anybody else whose handwriting appeared in those check books?

A. I think one was Peter Dolan, tally man.

Q. Yes.

A. I won't be positive of that.

Q. Well, would you remember it?

A. As I remember it, there was Peter Dolan and a boy by the name of Griffin, and there was a man by the name of Steinebrey at Neponset. But, as I recall it, I think the majority were signed "W. K.," the initials of Willie Kelly, and in his handwriting — that is, to the best of my judgment.

Q. Yes, but don't you know it was said at the time that those checks were in somebody's else handwriting, — not Steinebrey's, Griffin's, Kelly's, or Dolan's? Don't you know that?

A. No, sir.

Q. Would you know Kelly's handwriting, if you saw it?

A. Yes, sir.

Q. (Showing a stub to witness.) Is that Kelly's handwriting?

A. (Examining same.) Yes, sir; I should say it was.

Q. You would say it was Kelly's handwriting?

A. Yes, sir; as far as I know.

Q. And that is his signature?

A. That is his signature.

Q. Now, can you find Mr. Steinebrey's writing in there?

A. (Examining stub book.) No, sir.

Q. It is not there? Can you find Mr. Griffin's?

A. No, sir.

Q. Now, who was the other man, besides Steinebrey and Griffin?

A. Steinebrey, Griffin, Kelly and Dolan.

Q. Can you find Dolan's name there?

A. As I told you before, I am not positive. Dolan might not have been there, might have been there later on.

Q. Several of these books appear to be in Dolan's handwriting. Do you find his handwriting there?

A. (Examining book.) No, sir.

Q. (Pointing to handwriting.) Do you know whose handwriting that is?

A. No, sir.

Q. That isn't familiar to you at all?

A. No, sir; looks like Kelly's, though, the "W. K."

Q. Never mind about the "W. K.," but about the body of the checks, particularly — No. 1, of book 255.

A. I should say the word "filling" was in Kelly's handwriting. He has a faculty of writing any old way at various times.

Q. Yes, so it appears. But this handwriting appears here through these books. Now (pointing to another stub), that is Steinebrey's handwriting, is it?

A. (Examining stub.) I should say not.

Q. And you would say it is not Griffin's?

A. I should say, to the best of my judgment, that it is not.

Q. And it is not Kelly's, if that (referring to a previous stub) is Kelly's?

A. I think it is. You notice the "f's" in "filling." If you look at the books through there you will see that he has a way of changing his writing, quite frequently.

Q. Can you show the change there between the "filling" and that one? (Pointing.) Is there any resemblance there at all between that "g" and that "g"? In fact, is there any single characteristic in "filling" there that resembles Kelly's writing?

A. Well, there might be in my mind and not in yours. You might not think so.

Q. I know; but we are not the ones to be satisfied. It is the committee. Do you notice here, in the handwriting you say is not Kelly's unless it is disguised, do you notice any change there (referring to a stub) from this fourth one here? Aren't they evidently in the same hand?

A. Do I notice any change?

Q. Yes. Should you say the man who wrote these two checks was writing in his own hand, or disguising it?

A. No, I should say it was disguised or assumed writing.

Q. Then, so far as you know, this writing here, which fills the greater part of the four books I have shown you —

the five books I now show you — is not in the handwriting of Kelly?

A. Just a minute. You say the greater part of them is not?

Q. I may be mistaken about the greater part of them, but a large section.

A. A large section of them, I would positively swear, was in Kelly's writing.

Q. A large section?

A. Yes, sir.

Q. Well, how many in that book can you find (showing a book to witness) that are in Kelly's writing?

A. How many do I think are in Kelly's handwriting?

Q. Yes. You know Kelly's handwriting — you have identified his handwriting here?

A. Well —

Mr. MATTHEWS. — Mr. Lundy — would you mind suspending a moment, to let Mr. Dodge testify?

Mr. LUNDY. — Certainly not.

TESTIMONY OF CITY AUDITOR JAMES H. DODGE.

Q. (By Mr. MATTHEWS.) Mr. Dodge, can you tell the committee the amount of money drawn — actually drawn — from the city, as shown on your books, during the month of January, 1900, on account of the park appropriation for playgrounds?

A. The actual amount of payment was $394.31.

Q. If the books of the Park Department show larger payments than that, what is the explanation?

A. Drafts drawn on me but not paid, awaiting the examination of titles, or something of that kind.

Q. (By the CHAIRMAN.) That would mean, Mr. Dodge, land taken before this year?

A. Before this year.

Q. And in 1899?

A. Not necessarily.

Q. Do you mean to say that all that land taken — the $300,000 worth of land taken — was taken in 1899?

A. No; I don't think so at all. They might have taken it on the first day of this year. There is nothing to prevent their taking it the first day of this year.

Q. Yes; but the amount of money paid for land taken, under the law, in any single year, must not be over $200,000?

A. Yes; but they have not drawn drafts exceeding $200,000 in any one year.

Q. But could the land taken in 1898 be paid for in 1899 and not be charged to the $200,000?

A. Certainly, because the balance is brought forward from the last year.

Cross-Examination.

Q. (By Mr. LUNDY.) You don't know, Mr. Dodge, as a matter of fact, whether the Park Commissioners took during the last financial year or the last calendar year, $394,000 worth of land?

A. No, I haven't the figures in my head.

Q. All you know is, what you have paid?

A. That is all.

TESTIMONY OF GEORGE W. H. TIMSON. — *Continued.*

Q. (By Mr. LUNDY.) Well, you don't find any there in Kelly's handwriting, do you?

A. (Pointing to a stub.) That is one.

Q. What is the difference between that and that (referring to another stub)?

A. Any man can see that that is a different "W" and a different "K."

Q. Then, out of that book you pick two, Mr. Timson, that are in Kelly's handwriting? Is that it?

A. That I think are, yes, sir.

Q. That you think are?

A. Yes, sir. I think there are others.

Q. And the rest you think are not?

A. No.

Q. Well, the majority?

A. Well, in that book?

Q. In that book, I am asking you now — in this book, 225, from 1 to 49, you say, you think are not in Kelly's handwriting?

A. I say I don't know.

Q. Well, you think they are not in his acknowledged handwriting — you think they are disguised, anyway?

A. It is disguised, yes, sir. I think so.

Q. But from 1 to 49 you don't think looks like Kelly's ordinary handwriting?

A. No, it doesn't. It is disguised.

Q. But 49 and 50 in the same book, No. 225, do resemble Kelly's handwriting? Is that right? Those are the ones you pointed out to me?

A. — 49, 50 and 51 — yes, those three are decidedly in Kelly's handwriting.

Q. One of them is, anyway?
A. No, the three of them are.
Q. Now, did you ever deliver any books to McShane?
A. No, sir.
Q. Do you know what McShane looks like?
A. I saw him for the first time yesterday.
Q. Oh, you were here yesterday?
A. Yes, sir.
Q. How did you come here yesterday?
A. I brought a package down.
Q. Who asked you to bring the package?
A. Mr. Clarke.
Q. Did you ever deliver any books to anybody but the messengers of the foremen?
A. No, sir.
Q. Now, Mr. Shea would have a right to come in there and get books, wouldn't he?
A. Certainly.
Q. And Mr. Shea has got books, hasn't he?
A. Yes, sir.
Q. How many books did you give Mr. Shea during last year?
A. I couldn't tell you.
Q. Gave him a great many, didn't you?
A. Well, that is a question.
Q. Yes, that is exactly what it is. I want you to answer the question. Didn't you give a great many books to Mr. Shea during the last year?
A. Well, I might have given fifty.
Q. As a matter of fact, you gave him more or less than fifty — rather more than less, wasn't it?
A. I don't know how many I gave him. You asked me for an estimate, and I said "50."
Q. To make it conservative, did you give Shea ten books during last year?
A. Yes, sir.
Q. Now, you say Mr. Shea doesn't have anything to do with receiving loam, don't you?
A. Yes, sir.
Q. Did Mr. Shea give any requisition for those loam books?
A. I believe he did.
Q. What makes you believe he did?
A. Because I was in the habit of getting a requisition for all books delivered.

Q. Then you would demand a requisition from Mr. Shea, just the same as from anybody else?

A. Yes, sir.

Q. And will you swear that Mr. Shea did not take books from you which he didn't give you requisitions for?

A. To the best of my knowledge, he did not get books from me without a requisition.

Q. But would you remember a distinct occasion when he gave you a requisition?

A. Well, I handled so many books that really I couldn't tell.

Q. I know, but you gave out very few to Mr. Shea, even if you gave out fifty, didn't you?

A. I remember one instance in particular when he gave gave me a requisition.

Q. Yes.

A. About September.

Q. Of last year?

A. The latter part of September, 1898.

Q. What was the requisition for?

A. For one book, and that book he marked in my presence.

Q. That is one he gave to Kelly, isn't it?

A. I don't know who he gave it to.

Q. You know he got it for a special purpose, don't you?

A. I know he got the book.

Q. Got it for a special purpose?

A. I don't know.

Q. How did the requisition read? You remember that particularly well?

A. I couldn't give you the wording of the requisition.

Q. What was the substance of it?

A. Might have said "One loam book" — "One loam voucher book."

Q. Signed by —

A. J. B. Shea.

Q. Can you find at Pine Bank or anywhere else where you may store your loam vouchers one book receipted for by J. B. Shea?

A. I think I can.

Q. Can you find more than one?

A. I can find all I have given him, I believe.

Q. Do you believe you could bring in tomorrow, or at the next hearing more than one receipt for a loam voucher book given to Mr. Shea?

A. I don't know how many, but I could bring them in.

Q. Don't you know that you have given books to Mr. Shea that he hasn't receipted for?

A. No, sir.

Q. Don't you know that if he should go out there this afternoon and say, "Give me a book of loam vouchers," you would hand it over to him without a requisition?

A. I probably would say, "Mr. Shea, I want a requisition."

Q. Why would you probably say that?

A. Because the orders from Mr. Pettigrew and Mr. Shea were that no books should go out without a requisition.

Q. Well, following that out further, will you swear that there has not been an occasion when you handed check books to Mr. Shea without a requisition?

A. I remember no case of handing them to anybody.

Q. But you will swear that you haven't to Mr. Shea? I confine this to Mr. Shea?

A. I will say, in regard to Mr. Shea, no, I haven't.

Q. You haven't handed a book over without a requisition?

A. I have got a requisition in return for the book.

Q. Now, most of your work is clerical work, isn't it?

A. Not necessarily so.

Q. Well, aren't you ranked as a clerk out there?

A. No, sir.

Q. What is your rank?

A. My rank is a messenger.

Q. And, of course, you took the civil service examination for that?

A. I took the civil service examination.

Q. And isn't that your rating from the Civil Service Commission — messenger?

A. Yes, sir.

Q. You don't know that that has been altered at all?

A. Don't know that it has.

Q. Never took any examination for clerk?

A. Yes, sir.

Q. When?

A. In 1898.

Q. Did you pass it?

A. Yes, sir.

Q. But you now serve as a messenger?

A. Yes, sir.

Q. That is your rating — what is your salary?

A. $1.50.

Q. A day?

A. Yes, sir.

Q. And that is the pay for a messenger?

A. It is my pay.

Q. How much work do you do as a messenger?

A. Well, I do whatever I am told.

Q. Well, I understand, Mr. Timson, but, as a matter of fact, whatever you are told most largely consists of clerical work, doesn't it? Don't you have a great deal of writing to do, Mr. Timson?

A. Oh, I do everything — have a great many messages to deliver.

Q. To write?

A. To go on at various times.

Q. Yes, but don't you do a great deal of writing? Now, Mr. Timson, that is a very simple question. Don't you have a great deal of writing to do?

A. Some writing to do, yes, sir.

Q. Now, you have in charge the entire business of issuing those loam check books, don't you?

A. Yes, sir.

Q. Those vouchers — you attend to that?

A. Yes, sir.

Q. And about how many a day in the busy season do you give out?

A. Well, I send them mostly — have been sending them to Franklin Park; will have a requisition for twenty-five at a time.

Q. Would they average 25 a day for all places?

A. No, sir.

Q. You are stationed most of the time at Pine Bank, aren't you?

A. Yes, sir.

Q. And while you are not receiving receipts for loam books, what are you doing?

A. Various things.

Q. Does Mr. Ogden ever send you on any messages?

A. Sometimes.

Q. That doesn't ordinarily come under the duties of the department?

A. Certainly.

Q. You don't do seven errands a week for Mr. Ogden, do you?

A. No.

Q. Don't average one errand a day for him?

A. No, sir.

Q. And Mr. Lawrence doesn't send you on many, does he?

A. No, sir.

Q. And Mr. Clarke doesn't send you on many?

A. Occasionally.

Q. Well, he doesn't average one message a day, does he?

A. No, sir.

Q. Now, all this time what are you doing out there — reading?

A. No.

Q. Not out there in the fields enjoying yourself, are you?

A. Hardly.

Q. What do they make you do when you are not running on messages — and you don't have more than two a day, anyway?

A. Assisting in the clerical work.

Q. Then, practically you are a clerk? Simply answer the question, Mr. Timson? You are practically a clerk — that is, do clerical work?

A. Do everything I am told.

Q. Yes, but answer the question?

A. I am trying to answer your question, sir.

Q. Now, answer this — isn't most of your work clerical work? How many hours a day do you work out there on an average?

A. From eight in the morning, until five at night — nine hours.

Q. And you don't spend more than two hours a day running messages, do you?

A. No, sir.

Q. Now, during the other five or six hours that you are there, what do you do mostly?

A. What do I do? Why, I issue loam books, assist on the time books, and write occasionally.

Q. Write occasionally?

A. Yes.

Q. And your general work is that of a clerk, isn't it?

A. Well, it is clerical work. It is in the nature of clerical and messenger work.

Q. You seem to have some constitutional objection against admitting that you are a clerk, only you do clerical work?

A. Oh, I have no objection whatever, Mr. Lundy, to answering any questions.

TESTIMONY OF JAMES MAGLUE.

Q. (By Mr. LUNDY.) What is your full name, Mr. Maglue?

A. James Maglue.

Q. Where do you live?

A. Live out in Roxbury.

Q. Well, what part of Roxbury — what street and number?

A. 22 Sarsfield street.

Q. What is your business?

A. Engineer, used to be, but janitor now, watchman.

Q. Used to be an engineer?

A. Yes, sir.

Q. And where did you work as an engineer?

A. I worked on the Boston and Providence twenty-five years.

Q. The Boston and Providence Railroad?

A. Yes, sir.

Q. Are you working in the Park Department now?

A. Yes, sir.

Q. How long have you worked in the Park Department?

A. I have worked nine years.

Q. What were you doing last year, 1899, in the Park Department?

A. I was night watchman.

Q. Night watchman where?

A. In the administration building.

Q. Where — in Franklin Park?

A. In the Back Bay.

Q. The Fens?

A. Yes, sir.

Q. Then during 1899 you were working as a night watchman in the administration building in the Back Bay Fens. Is that so?

A. Yes, sir.

Q. Who was the engineer there nights?

A. Well, he was a helper, a stable keeper, taking care of the boiler.

Q. A stable keeper was taking care of the boilers?

A. Yes, sir.

Q. In the administration building, Back Bay Fens?

A. Yes, sir.

Q. During 1899?

A. Yes, sir.

Q. What is the name of that stable keeper?

A. Prior.

Q. And where does Mr. Prior live, do you know?

A. He lives out at Jamaica Plain some place.

Q. Prior lives in Jamaica Plain. Didn't you assist on the boilers some out there — help them out on the boilers, when you were night watchman?

A. Yes, sir; I fixed the fire at night — didn't carry more steam than 3 pounds. I fixed the fire, morning and night

Q. Fixed the fires?

A. Yes, sir.

Q. Then you acted as fireman at night?

A. Well, that was all I had to do.

Q. That is all you had to do as a night watchman, was to look out for those fires. Now, do they have a regular fireman in the daytime?

A. No, sir; only him.

Q. Only that man. Was there an engineer in the daytime?

A. Yes, sir; there was an engineer there.

Q. What was his name?

A. Martin. He was the engineer.

Q. He was the engineer?

A. Yes, sir; and he would show him what to do.

Q. Martin would show Prior what to do?

A. Yes, sir.

Q. And then left the building at night in charge of Prior?

A. Left the building.

Q. Left the engines?

A. No engines there — nothing but a boiler.

Q. Leaving to him all the work he had to do in the daytime?

A. Well, he didn't have nothing to do.

Q. Well, they didn't have as much steam up, I understand that. But he left the boilers in charge of Prior?

A. Yes.

(At this point, at request of counsel, a five minute recess was taken.)

TESTIMONY OF JULIUS WEIDENER.

Q. (By Mr. LUNDY.) Your full name, Mr. Weidener?

A. It is Julius Weidener.

Q. Where do you live?

A. 692 East Fifth street, South Boston.

Q. Do you work in the Park Department?

A. I do.

Q. How long have you worked there?

A. Since 1884.

Q. You are at the present time foreman?

A. On the Marine Park, and have been there for seven years, I think.

Q. Seven years?

A. Yes.

Q. And you have not been suspended recently?

A. No, sir.

Q. You are the only foreman remaining there?

A. Yes, sir.

Q. In the spring and summer and into the early fall of 1898 you were on duty as foreman at the Marine Park?

A. I was.

Q. And did you have a man named Abbott working under you there?

A. I had.

Q. And what was Abbott supposed to do?

A. He was supposed to do laboring work.

Q. He was a laborer?

A. He was a laborer.

Q. And a laborer usually does what over there?

A. Grading, digging, picking, whatever is required.

Q. Now, Mr. Abbott acted as tally man, didn't he, for some time?

A. Yes. He is an intelligent man and has worked previous to that time — worked for me with the surveyors, with the park surveyors.

Q. I understand — now, if you don't mind, just cut out all these biographies of Abbott. He was consigned to you as a laborer?

A. Yes, sir.

Q. Who ordered him to go to work as a tally man?

A. I did.

Q. Who told him to go to work as a tally man?

A. I did.

Q. Did anybody tell you you might do it?

A. Nobody.

Q. It was, then, in your discretion to name anybody you pleased as a tally man?

A. Yes, sir.

Q. Now, did you measure any of the loads that came there yourself?

A. I did.

Q. Did Abbott measure any?

A. He did.

Q. And how many loads a day were you getting there on an average?

A. Average 150, 200, 250, I think, some days.

Q. You had a great deal to do besides measuring loam, didn't you?

A. I had a great deal to do besides measuring loam.

Q. How many of those loads, on an average, that you mention, did Abbott measure?

A. Well, Abbott measured the majority of the loads that came in and I checked them, to see that he gave them fair measurement.

Q. Well, you had time enough to stay there and check?

A. I have done it almost all the time — spent my time there during all the months we were taking in the loam.

Q. Couldn't the man who measured tally?

A. It is an impossibility.

Q. You have to have two men on every team?

A. No, we had three men — myself, Abbott and my son. The three of us couldn't keep them going, and Mr. Pettigrew and Mr. Shea saw it, when they came around occasionally to inspect, and they found us laboring as hard as we could to keep the teams going, because we couldn't delay the teams, or they couldn't make their day's pay, couldn't haul so many loads a day.

Q. (By the CHAIRMAN.) We will get along quicker on this if you will answer the questions?

A. I will try to, but the counsel is trying to lead me around to explain what the men did on each team.

Q. Answer the questions he asks you.

A. All right.

Q. (By Mr. LUNDY.) That will simplify matters. Whether it is a single or double team, one team drives up with a load of loam?

A. Yes, sir.

Q. And you are there and Abbott is there and your son is there?

A. Yes, sir.

Q. Now, will you explain what you do? We will suppose that Abbott does the measuring — what do you do while he is measuring?

A. I check it in a book.

Q. Does he call out the figures to you?

A. He calls out the figures.

Q. And what is your son doing at this time?

A. Figuring out the checks in the book.

Q. You simply make a memorandum, and that goes to your son?

A. Yes.

Q. Now, you know that your son didn't fill out the checks as fast as the teams came in?

A. No, but he helped out.

Q. Wouldn't he have had time to fill out the whole check while you were calling off these numbers?

A. I don't understand.

Q. Wouldn't your son, filling out the checks, have time to fill out the checks for a single team while Abbott was measuring and while you were making the memorandum, right there?

A. Yes.

Q. Well, then, how did the teams get ahead of you? How did you fall behind in your accounts?

A. How did I fall behind? I didn't.

Q. Well, you know your son was working at night, don't you, making out checks?

A. He was just filling out the blanks, in order to fill in.

Q. He could fill them right out there, couldn't he, when the team came?

A. No, didn't have time.

Q. Was he filling out blanks in the open spaces?

A. I had to be forward and back.

Q. You didn't, then, see every team?

A. No, sir.

Q. Didn't measure every team?

A. I didn't say that.

Q. How old a man is Abbott?

A. I should judge forty — forty-five, I think.

Q. Did you ever see Abbott drink?

A. No, sir.

Q. Have you ever seen him drunk?

A. No, sir.

Q. Never have seen him under the influence of liquor at all?

A. No, sir.

Q. When did you first meet Mr. Kelly?

A. Kelly was sent to me, I think, on June 16 or 26 — I wouldn't be sure. He was about four weeks with me.

Q. Four weeks altogether?

A. Yes, about that.

Q. Did you ask to have a man sent over there?

A. No, sir.

Q. Who volunteered to send the man to you?

A. Mr. Pettigrew. He saw that I required some more assistance.

Q. Exactly — that it was necessary, or he wouldn't have sent him there?

A. Because I had to spend my time there and also look at another gang of men.

Q. Now, you put Kelly to work as a tally boy right away, didn't you?

A. I put him to work as a tally boy, to help out.

Q. Now, where did you have Kelly most of the time — in the shanty?

A. Yes, sir; most of the time, or when not in the shanty outside. They couldn't stay in the shanty except in rainy weather, when teams were not coming.

Q. You know Eugene Eichorn?

A. I do.

Q. And his brother Albert?

A. And his brother Albert.

Q. And Frederick?

A. I do.

Q. How much time did Kelly spend with the Eichorns?

A. I don't know anything about it.

Q. Did you ever see him with Eugene Eichorn?

A. I never did.

Q. Never saw him at lunch with him?

A. I never did.

Q. How many hours a day did you expect Kelly to work?

A. Nine hours a day.

Q. Did he work nine hours a day while there?

A. Nine hours a day, to the best of my knowledge.

Q. Did you tell Kelly he could go out on your boat?

A. No, sir.

Q. Do you know whether or not he did go?

A. He never did, that I know of.

Q. Never went out to the boat?

A. May have gone to the boat, but never sailing in the boat.

Q. Never went sailing to the end of the pier?

A. Not to my knowledge.

Q. Did you tell Mr. Eichorn he could use your boat?

A. I think I did.

Q. You know he used it?

A. I think once, with his young brother, going to college.

Q. Who is that — Frederick?

A. I guess so.

Q. He was working there?

A. Yes. They had no time to go during working hours.

Q. Kelly didn't, either?

A. No, sir.

Q. Did Anthony Connolly have time to go anywhere during working hours?

A. No, sir.

Q. Who painted the boat?

A. Anthony Connolly, and I paid him for it.

Q. And he was not supposed to be working then?

A. He never did any work on it in working hours, no, sir.

Q. Did he work on your boat on a working day?

A. No, sir.

Q. Where did you get the boat?

A. From Mr. Bradley, the superintendent of the Reform School.

Q. When did you get that — before 1898?

A. Yes, sir.

Q. Now, Mr. Weidener, have you ever borrowed any money from the laborers under you?

A. No, sir.

Q. Never have borrowed any money from any of those laborers?

A. I don't remember it.

Q. You would have remembered it, if you had borrowed any?

A. I would.

Q. Now, would you say that you have never taken any contributions from laborers?

A. I never did.

Q. Never went around and asked them to contribute money to you?

A. I asked them once to contribute money, I think, for the man Abbott, who was sick when he came on the work, and I paid towards it, and the other men made the collection.

Q. Abbott was sick?

A. Yes, sir.

Q. Before he went to work on that job?

A. Yes, sir.

Q. What did those men know about Abbott?

A. Knew him of old; he had been working with the engineers.

Q. Before that?

A. Yes, sir; and then was shifted to Franklin Park, and taken sick with typhoid fever.

Q. Do you know how much money was raised for Abbott?

A. I don't know. I didn't collect it.

Q. You started it?

A. I sent them a note, from me.

Q. Aside from that note, didn't you start other little collections for somebody's benefit?

A. I don't remember.

Q. Never, at all?
A. I don't remember.
Q. Well, you would remember, if you did collect anything?
A. Yes, sir; I would.
Q. You knew Kelly had a bicycle, of course?
A. Kelly?
Q. Yes.
A. That he had a bicycle? I don't know that he had one.
Q. Did you ever see him riding a bicycle around there?
A. I may have, but I don't recollect.
Q. Well, you know whether or not you ever saw Kelly riding a bicycle around there?
A. No, I don't say I did.
Q. Then, as a matter of fact, you didn't see him riding a bicycle around there?
A. No, sir — not unless he took mine or somebody's else. But I didn't take notice of his riding a bicycle.
Q. You think if Kelly was riding a bicycle it was probably somebody's else, not his own?
A. I don't know whether he ever rode a bicycle, because I didn't take interest enough in his riding. He might ride a bicycle all day long, but not during working hours, when I was there.
Q. You wouldn't permit that?
A. He didn't have time.
Q. You permitted him to go to your boat, however?
A. I didn't.
Q. As far as the boat?
A. I don't say that. He may have gone as far as that. I think that one dinner hour he may have gone as far as the boat — him and the boy — that is all.
Q. Did you ever lend or give Kelly any money?
A. This Kelly?
Q. That is the man?
A. No, never lent him any money, to my remembrance.
Q. Ever lend money to Eugene Eichorn?
A. I did.
Q. You have?
A. Yes, sir.
Q. How much?
A. I think about three dollars.
Q. Did you ever borrow any from him?
A. No, sir.
Q. Ever get that money back?
A. I did.

Q. Did Eichorn ever give you any money?

A. No, sir; only he returned the $3.

Q. That is the only money transaction between you?

A. That is the only money transaction, yes, sir.

Q. Now, who put your son to work over there?

A. I did.

Q. And what does your son rank as?

A. Boy.

Q. And your son was put on as a tally boy, was he?

A. Yes, sir; an errand boy.

Q. That is, tallying?

A. Well, errand boy, doing messages.

Q. Did you ever ask Kelly to go to the house of any contractor and make out bills for him?

A. I never did, no, sir.

Q. Did you know J. J. Kelly?

A. I may have known a J. J. Kelly, but I don't remember now.

Q. Did you ever know that Kelly was asked by Eugene Eichorn to go to anybody's house to make out bills?

A. It may be possible, but I don't remember. I think there was something that the contractors couldn't make out, the contractors who made the bills out, figuring it up from the checks, you know, but that has nothing to do with the city work.

Q. No, that is understood. But you do remember now that at some time when the contractors could not make out their own figures for the stuff supplied, Kelly was called in?

A. Yes, I believe they asked him to do it.

Q. And do you remember any of the contractors who asked him to come in and do it?

A. I don't remember.

Q. Do you remember any time when your son was ever asked to come in and figure out for them? Did they ever consult him as an expert?

A. No.

Q. You don't remember of it?

A. No.

Q. Did they ever ask you to figure them out?

A. I didn't have the time to — wouldn't have anything to do with it, anyway.

Q. Do you know whether or not Abbott was asked to make out any figures?

A. I don't think so.

Q. Kelly was the only one, then?

A. Yes.

Q. Do you know Mark Lynch?
A. No, sir.
Q. A contractor, who supplied loam there?
A. I don't remember.
Q. Did Mr. Eichorn ever speak to you about having Kelly make out contractors' checks?
A. Not to my remembrance.
Q. And, as far as you remember, Mr. Kelly was never recommended by you for that work after hours?
A. No, sir.
Q. Do you know that Kelly ever got any more than his salary while he was there, from any of these men? Did they give him any money?
A. No, sir; I don't remember—I don't think that they did.
Q. Your son is still working for you?
A. Yes, sir.
Q. How many men have you altogether under you now?
A. Six men.
Q. That is, counting your son?
A. No, not counting my son.
Q. Six and your son?
A. Yes, sir.
Q. And what does your son do now? What does the boy do over there now, with six men?
A. Helps around, looks after the tools, goes errands, sees that everything is picked up, gets water.
Q. There isn't a great deal of water required these days, is there?
A. There is, sometimes. The men feel just as dry, when they are doing a day's work, when they are working and sweating, now, as in the summer time. Then he winds the tower clock, etc., cleans out the office.
Q. Do you think that work is necessary, Mr. Weidener?
A. Certainly I do.
Q. What is your son's salary? What do you allow him?
A. A dollar a day.
Q. Do you remember where your son was during the month of March, this year?
A. This year?
Q. This year—1900?
A. Why, he was with me.
Q. Well, didn't he take a little vacation?
A. No, sir.
Q. None at all?
A. No, sir.

Q. Wasn't he away for three or four days?

A. No, sir. During the month of March he was home for two days sick — that is, my wife was sick and I kept him home.

Q. Was he paid for those days?

A. Certainly not.

Q. Not at all?

A. No, I guess not.

Q. Now, you know Foreman O'Brien?

A. Certainly. He worked for me as a laborer.

Q. Do you know anything about Foreman O'Brien contributing to any fund for you?

A. Not that I remember.

Q. Well, you would know it if he had done it?

A. I suppose I would, yes.

Q. How often did you see Mr. Pettigrew around Marine Park?

A. Oh, I see him once or twice a month sometimes, as occasion may require. When the work is busy he is there oftener.

Q. He is around when the work is busy?

A. Yes.

Q. Ever telephone for him?

A. Oh, yes, sir, every day to the office — communicate with him.

Q. Ever telephone and ask Mr. Pettigrew to come over there?

A. I think I have when occasion required it, when I would like to see him for that particular business.

Q. And do you recall any particular business you had with Mr. Pettigrew during 1898?

A. No, I don't recall any particular business.

Q. Would you recall any particular business that necessitated him coming from Pine Bank?

A. Well, supposing there was anything dangerous, any accident that should happen.

Q. You didn't have any accident, did you?

A. No, sir; but we had damages to the pier, and I informed him right away of it.

Q. What would he have to do with damages to the pier?

A. He comes right over to see what it requires. I notify him and he comes himself and sends engineers to inspect it.

Q. Did you have very many injuries to the pier in 1898?

A. Yes, I think it was in 1898.

Q. Well, did you have very many of them, I say?

A. No, some of the columns were crooked.

Q. I know, but any accident?

A. No accident to the people, no, sir, except that accident over at the island.

Q. Well, when else did you telephone to him? As a matter of fact you never telephoned to him, did you?

A. Well, I telephoned several times. I telephoned every day.

Q. Yes, but you never sent for him?

A. I have sent for him personally, yes.

Q. Well, Mr. Pettigrew didn't come over more than once a month, did he?

A. I think he may have, when the loam came in, — came several times.

Q. Why did he come?

A. To inspect the loam, I suppose, and see how the work was progressing.

Q. What do you know about the loam there, Mr. Weidener? Was it good loam?

A. Excellent loam.

Q. All of it?

A. All of it.

Q. You don't know about Mr. Pettigrew finding any fault with it?

A. There was one load that came in, and I found fault with it, and called his attention to it. I said, "Mr. Pettigrew, I condemn that" and he said, "Don't take any more of it," and I didn't.

Q. Do you know who delivered that?

A. I don't remember the man — it came from all quarters of the globe.

Q. Mr. Shea came oftener than once a month, didn't he?

Q. No, I don't think so.

Q. Not oftener than once a month?

A. He came with Mr. Pettigrew sometimes.

Q. As a general thing, they came together?

A. Sometimes they did and sometimes they didn't.

Q. The Eichorns delivered nearly all that loam there, didn't they?

A. Yes, they were the contractors, yes.

Q. They were responsible for this bad loam that was delivered?

A. They were responsible, yes. If anything was wrong, it was understood that they should make it good.

Q. Do you know anything about the Eichorns making any claim for loam that wasn't credited to them?

A. Yes, sir.

Q. And how much did they claim that they didn't get?

A. They claimed, I think, 130 yards — something in that neighborhood.

Q. Do you know how that was settled?

A. I don't know.

Q. Were you called in? Was your opinion asked on it?

A. Well, Mr. Eichorn wrote to Mr. Pettigrew, and he referred the letter to me to make a statement on it. I overhauled the books, checked it, and found a clerical error of 78 yards in favor of the contractor.

Q. You found an error that was in their favor — or you found on examining, that the error had been against them?

A. No, it was in favor of the contractor. I gave him credit for 78 yards less than was actually due.

Q. That is, on your discovery?

A. Yes.

Q. And there was due them 78 yards?

A. Yes.

Q. And it was settled on that basis, was it?

A. I don't know what basis they settled it on — that is the error that I detected in the columns.

Q. You kept a special book, didn't you, Mr. Weidener, for checking the loam?

A. Yes, sir.

Q. Have you that book now?

A. I am sorry I didn't bring it with me.

Q. Well, you have got it at home?

A. Yes, sir; in my office.

Q. That is for your personal reference?

A. Yes. I keep that for self-protection. Yes, I have got that.

Q. That is the book in which you make all the original entries?

A. Yes, sir.

Q. Do you know to what depth they laid the loam in Marine Park, on the average?

A. We started with 18 inches, and then we dropped down to fourteen inches. We were trying, if possible, to get a little surplus for the tree spaces.

Q. Well, it won't run much below fourteen inches, then?

A. No. It was more above than below it.

Q. (By the CHAIRMAN.) Mr. Witness, let me understand you. Where do you live?

A. 692 East Fifth street.

Q. How long have you lived there?

A. I have lived there about five years.

Q. Are you a citizen of the United States?
A. Yes, sir, I am.
Q. A voter in Boston?
A. Yes, sir.
Q. A voter in South Boston?
A. Yes, sir.
Q. And how many days do you work in the week?
A. I work seven days.
Q. You get seven days' pay every week?
A. Yes, sir — and no holidays; all taken in.
Q. What is your work the seventh day?
A. I do my writing, my clerical work.
Q. That is what you do on Sunday, is it?
A. Well, I go down to see that everything is all right, safe.
Q. What is your pay?
A. $3.25 a day.
Q. Anybody else in your gang that gets seven days a week?
A. Yes, sir.
Q. Who is that?
A. A lamplighter, Michael J. Downs.
Q. A lamplighter?
A. Yes, sir; he is a veteran.
Q. A veteran?
A. Yes. Well, he is a good man. (Laughter.)
Q. Do you know of any loam being delivered in Marine Park in 1899?
A. In 1899?
Q. Yes, any being delivered in Marine Park in 1899?
A. Yes.
Q. Where was that put?
A. Put in the tree space.
Q. In the same place?
A. No, on the off side of the road, where the trees are planted, next to the road.
Q. Was that put in this place that is under contest now, where they say the loam was placed in 1898?
A. No. A few loads may have been put over there, to finish off. We had finished off the tree places, and had no more place for it.
Q. There is 7½ acres in this place?
A. Yes.
Q. Was there any loam dumped there in 1899?
A. Yes, sir.
Q. There was. How much?
A. Well, a few loads. It is right on top.

Q. How much would you say?
A. Well, perhaps a half a dozen loads.
Q. Not over that?
A. I don't think there was.
Q. That was put in the place where you say the loam was washed away by the tide flowing over it?
A. Yes.
Q. That would counteract all the loam that was washed away?
A. Oh, dear, no — not by a long sight. (Laughter.)
The CHAIRMAN. — Do you want to ask any questions, Mr. Matthews?
Mr. MATTHEWS. — I haven't any.
The CHAIRMAN. — That is all, Mr. Witness.

TESTIMONY OF JAMES J. FEE.

Q. (By Mr. LUNDY.) Your full name is James J. Fee?
A. Yes, sir.
Q. And you live at 24 Union avenue, Jamaica Plain?
A. Yes, sir.
Q. What is your business, Mr. Fee?
A. Well, my business is laboring.
Q. Have you been employed in the Park Department?
A. Yes, sir.
Q. How long have you been employed there?
A. From 1897, I think it was, I went in the Park Department.
Q. Have you worked continuously ever since?
A. Yes, sir.
Q. And are working at the present time?
A. No, sir.
Q. You were suspended in February?
A. Yes, sir.
Q. That is, under the general suspension?
A. Yes.
Q. Did you work under Mr. Fischer in Franklin Park at all?
A. Yes, sir.
Q. When?
A. Worked under him in 1897.
Q. Did you have any part at that time in the cutting down of trees?
A. In 1897?
Q. Yes?
A. Well, I don't exactly know it was 1897 — yes, I think it was 1897; the fall of 1897. I didn't keep an account of it.

Q. Did you have anything to do with the removal of shrubs there in Franklin Park under Mr. Fischer?

A. Well, not under Mr. Fischer. We might have moved shrubs from one place to another.

Q. Well, any general destruction of shrubs, I mean?

A. Not under Mr. Fischer.

Q. Well, under anybody? Did you take part in any wholesale removal of shrubs under anybody?

A. Not under anybody. No, I never did.

Q. Well, did you take part in removing any shrubs?

A. There were shrubs removed under Mr. Fischer's instructions.

Q. Did you take part in the removal?

A. Yes; I removed some shrubs.

Q. How many?

A. I couldn't say. It might be 100. I didn't keep any account.

Q. Do you know what kind of shrubs they were that were removed?

A. Some of them I do, and some I don't. I never kept an account of what kind they were.

Q. Do you know the difference between a good shrub and a bad one?

A. Well, pretty nearly.

Q. Pretty nearly?

A. Yes.

Q. And did you remove any shrubs that struck you as being pretty good ones?

A. Some that were pretty good ones.

Q. Some that were fairly valuable?

A. Some were valuable, and some of them were not?

Q. Well, now, in relation to those that were — were there many of them?

A. I couldn't say. I never kept any account.

Q. Did you notice at the time?

A. I noticed they were valuable shrubs.

Q. You noticed that at the time?

A. Yes, sir.

Q. Now, in the fall of 1897, you say you were engaged in cutting down trees?

A. Well, in the fall of 1897 (hesitating) — yes, I guess I was. It was during the winter time that we cut down trees generally.

Q. That is the time when you thin out the trees?

A Yes, sir.

Q. Now, in what year during the last three years, have you taken part in the removal of a great number of trees at any place in the park system?

A. The removal of trees?

Q. Yes; the removal, or destruction, or cutting down, of trees?

A. Well, removal is one thing, and destruction or cutting down is another. You can remove a tree from one place to another without destroying it, and destruction is a different thing.

Q. Well, I ask you about destruction, now?

A. Destruction?

Q. Yes?

A. Yes; I cut down a certain amount of trees.

Q. Have you any idea how many and what kinds?

A. No idea how many. There might be 100, or 200, or 300 — never kept any account of them.

Q. Did you remove any large trees?

A. Yes; quite a number of large trees.

Q. Can you recall now the name of any of the specimens?

A. Well, the specimens are generally oak, ash, elm, linden, and some maples.

Q. Do you know why you removed them, or cut them down?

A. By order of the superintendent. I got orders to cut them down.

The CHAIRMAN. — Nobody at this end of the table can hear what you say. Talk up louder.

The WITNESS. — I have got bad lungs.

The CHAIRMAN. — Talk up, so that we can all understand your answers to the questions.

The WITNESS. — There were some of those trees cut down. There is generally nothing but ash, oak, elm, linden, and some maples — that is all the grown trees out there.

Q. (By Mr. LUNDY.) You have said that you did this under orders. You meant orders from Mr. Pettigrew, of course.

A. No, I didn't get the orders from Mr. Pettigrew. I got them from Mr. Dawson.

Q. Well, I thought you said they came from the superintendent?

A. I supposed they came from him.

Q. But you got your direct orders from Mr. Dawson?

A. Yes, sir.

Q. And did he ever tell you what the idea was in cutting down those trees?

A. No, sir. I never asked him.

Q. Who used to mark the trees, to have them cut down?

A. Well, Mr. Dawson used to mark them, and Mr. Pettigrew used to.

Q. Now, how do you know that Pettigrew used to?

A. Well, I have seen him go through the woods, and they said he was marking them. I never saw him mark them myself.

Q. But you did understand that he marked the trees?

A. I was given to understand that way.

Q. How do you mark a tree when it is to be cut down later?

A. Chip a piece of wood out of the tree.

Q. Chip some wood out of the tree?

A. Yes.

Q. And then the woodman comes through and cuts down all the trees that are chipped?

A. Yes, sir.

Q. Do you know any trees that were so chipped that were not afterwards cut down?

A. Well, there were certain trees that were never cut down that were chipped.

Q. Why weren't they cut down?

A. That, I don't know. That was Mr. Pettigrew's and Mr. Dawson's orders to cut them down, and they were left there. I don't know who gave the orders to leave them there.

Q. Now, don't you know that those marks on the trees were removed by rubbing dirt over them?

A. Well —

Q. Don't you know that, Mr. Fee?

A. I don't know as they were. I never rubbed any dirt there. I can't say that I ever rubbed any dirt. I painted a mark that wasn't to come down.

Q. Who told you to paint the mark?

A. Mr. Dawson.

Q. How long after they had been marked for destruction did you paint over the mark?

A. It might be one year, or it might be two years — I don't know.

Q. Or it might be two weeks?

A. Yes; it might be one week, or it might be two years.

Q. And whether or not you painted over any marks that appeared to be fresh?

A. I painted over marks.

Q. Well, did you paint over any marks that were fresh marks?

A. I never had much interest in it — couldn't say whether they were fresh or not.

Q. But you took enough interest in it to remember it, and to remark about it since?

A. Yes.

Q. And to remark it within the course of a few weeks?

A. No, sir; not within the course of a few weeks. I have marked over trees —

Q. No, I say remarked about painting them over?

A. Yes, I painted them two or three years ago. I never passed any remarks about what they were painted for.

Q. Did you take any part in the unloading of trees, there, and in the transportation of trees from one place to another?

A. Yes, I did of shrubs — shrubs and trees.

Q. Do you remember taking part in unloading any bad shrubs or trees that were afterwards planted?

A. Well, in unloading shrubs you have got to take them good and bad. Some were good trees and some bad trees.

Q. But didn't you unload bad trees, and bad trees that you saw planted afterwards?

A. Well, I didn't see them planted. There was some bad trees unloaded, but I didn't see them planted.

Q. Did you ever see them destroyed or anything?

A. No, sir, I never saw any of those trees destroyed.

Q. And you supposed they were planted?

A. They went to the nursery, and I don't know whether they were planted or not.

Q. Do you remember anybody going over those trees and rejecting some of them?

A. No, sir.

Q. Don't recall anybody coming and picking the trees over?

A. No, sir.

Q. Don't know of anybody planting any inferior trees in back?

A. Well, they generally put the best trees along the walks and drives. Generally, the tree that is not so good they put back in the plantation.

Q. Who told you that?

A. That is our instructions.

Q. You have seen that done?

A. Yes, I have seen that done.

Q. Haven't you seen bad trees, poor trees, planted in back?

A. Well, I couldn't say they were first-class trees — that is all.

Q. Now, did you take any part in digging out along a driveway over at the Arboretum there?

A. Yes, I think I did.

Q. Well, you know you did, don't you?
A. Yes, I know I did.
Q. How long a strip was it?
A. Well, it might be 400 feet.
Q. 400 feet long?
A. Yes.
Q. And how wide was it?
A. Two feet wide.
Q. And what was that dug out for?
A. I don't know. I wasn't told what it was dug for — only to dig it out.
Q. Did you afterwards take part in filling it in?
A. Yes, sir.
Q. How deep was it filled in?
A. From four feet to 14 inches.
Q. What did you fill it in with?
A. Peat and loam.
Q. Did you take any loam out of there?
A. Yes, sir.
Q. What was done with that?
A. Threw it right on the walk, and put it right back in again.
Q. Did you fill any fresh loam in there?
A. Yes, I filled fresh loam in there.
Q. Put some fresh loam in?
A. Yes.
Q. Do you recall any gravel or loam being taken out and carted away?
A. Yes, the gravel was carted away.
Q. And did you see where it was carted to?
A. Yes.
Q. Where was it carted?
A. It was carted down to fill the swamp, in the Arnold Arboretum.
Q. And this is a swamp which belongs to the Arnold Arboretum, isn't it?
A. Yes, I think it is. It is inside of the wall — that is all I know.
Q. It is inside of the wall of the Arboretum?
A. Yes, sir.
Q. And how much of that was dumped there?
A. I couldn't tell. I never counted the loads.
Q. Was there 30 loads?
A. There were 30 loads or more.
Q. Did you act as sub-foreman at that time?
A. I acted as foreman over the gang.

Q. How many men were there in the gang?

A. Sometimes five — seven, I guess most of the time.

Q. What is the pay of laborers?

A. $2 a day.

Q. And what pay were you getting at the time?

A. $2.25.

Q. Now, Mr. Fee, do you know anything about covering stumps of trees that had been removed?

A. Well, I have seen stumps of trees covered. I have covered stumps of trees that were removed.

Q. And how close to the ground were those trees cut?

A. They were generally cut as close as a man could cut them with an axe.

Q. Then how were they covered up?

A. Covered with leaves, or something else.

Q. Who gave you instructions to cover up the trees?

A. Mr. Dawson.

Q. And why did he instruct you to cover them up?

A. He didn't give me any idea why he wanted them covered at all.

Q. Did you understand from anybody in authority that you were covering them up so that the public might not see them?

A. That was the talk. I don't know.

Q. Was it the talk from anybody in authority?

A. I didn't hear anyone in authority say so.

Q. Did you understand that that was the reason?

A. Yes, sir.

Q. Did you take any part in the spraying of trees in 1898?

A. Yes, sir.

Q. And what sort of spraying was that?

A. Well, spraying is a chemical made up of certain ingredients such as lime and copperas, and there are the different kinds of spray, as far as that is concerned.

Q. Now, in the spring of 1898, did you use anything in spraying the trees that damaged the plants or trees?

A. No, sir.

Q. Wasn't there some damage done by the gang in which you were working?

A. No, sir.

Q. Never saw any done there?

A. No, sir.

Q. Did you ever have anything to do with spreading loam over the land on Walnut avenue?

A. Yes, sir.

Q. And how far did you spread that, and where?

A. Right between Walnut avenue and Sigourney street, I spread loam for a week or two.

Q. And what depth of loam did you spread there?

A. From six inches to a foot.

Q. Six inches to a foot?

A. Yes, sir. It might be six inches, ten inches and a foot in different places — sometimes two feet.

Q. Did you make any tests to find out what loam was there before?

A. Yes, sir.

Q. And how much did you find?

A. The deepest place on that hill was 18 inches — from that down to ten inches.

Q. From 18 inches down to 10 inches?

A. Yes, sir.

Q. How many loads were delivered there?

A. About 500 or 700 loads.

Q. From 500 to 700 loads?

A. I think about that amount.

Q. Did you ever put any loam on the golf grounds at Franklin Park?

A. Not on the golf grounds.

Q. Well, around near the golf grounds?

A. Yes. There is a hill on one side, and I put loam there.

Q. To what depth did you put it in there?

A. I couldn't say. That was a kind of filling.

Q. You couldn't say to what depth?

A. No.

Q. You used it as a filling there?

A. Yes.

Q. Did you throw in as much as five feet of loam?

A. Well, I couldn't say there was five. There might be five feet or four feet.

Q. Was there between four and one-half and five feet?

A. I should say about four feet — between four and five feet — in one place and running down to six inches.

Q. This was used as filling on the side of the hill?

A. Yes, sir.

Q. And this was near the golf grounds, wasn't it, in Franklin Park?

A. Yes, sir.

Q. Can you describe the location of it any more particularly than that?

A. It was right on the side of the hill, up against the face of a rock. I had to grade it down even with the land below

it. It started about four feet or four and one-half or five feet, and came down to six or seven inches.

Q. Wasn't there plenty of stuff in the vicinity that you might have used for filling?

A. There might have been stuff got.

Q. Don't you know that there was stuff there?

A. That wasn't my lookout.

Q. It doesn't make any difference whether it was your lookout or not. Did you or did you not see any filling around there that might be used for that purpose?

A. There was filling that might be used.

Q. Filling that might have been used?

A. Yes.

Q. Shouldn't it have been used for filling purely?

A. I couldn't say it should have been so. It might have been used; it could have been used.

Q. Well, it was there, and could have been used?

A. It was there.

Q. Do you know anything about what was done with the filling there?

A. With the filling?

Q. Yes?

A. No; I don't know. I suppose that filling around there went to the dump.

Q. Did you see any carted away?

A. Yes, sir.

Q. How much of it?

A. Couldn't say how much. I was loading filling myself that went over to Abbott's Woods, and that was dumped. I couldn't say how much it was.

Q. Who had charge of the receiving of loam at this place where you filled in from four to five feet?

A. Well, I don't exactly know his name, I think it is Kahlky.

Q. Keilty — is that the man?

A. That was the man in charge of the loam. I had nothing to do only spreading it.

Q. Do you know where Mr. R. M. Morse's residence is in Jamaica Plain?

A. Yes, sir.

Q. Do you recall any number of fine elm trees being there in the neighborhood of his house?

A. No, sir; not near R. M. Morse's.

Q. Well, right in the neighborhood?

A. On Jamaica Park, you mean.

Q. Yes. Do you recall them?

A. Yes.

Q. Do you recall being sent out on a stormy day to cut them down?

A. I went out to cut them down in Jamaica Park.

Q. And do you recall that you were ordered to go out on a stormy day and cut them down, so that the public couldn't see it being done?

A. No, I don't know that it was done that the public couldn't see it.

Q. And you haven't said that?

A. No, sir.

Q. And did you understand that that was the reason?

A. Well, there was some talk. That might have been the reason.

Q. But you didn't hear from anybody in authority that that was the reason?

A. No, sir.

Q. Never heard that about any of the cutting down of the shrubs, did you?

A. I don't understand you.

Q. You never heard that you were supposed to work on bad days at cutting down trees and shrubs for the purpose of avoiding the public having any view of your cutting down these shrubs or trees in any part of the park?

A. That was probably the understanding, that it was to deceive the public.

Q. But you never heard it from any of your superiors?

A. No, sir; never.

Q. But it was the general idea?

A. Yes.

Cross-Examination.

Q. (By Mr. MATTHEWS.) Just one or two questions. How long have you been connected with the Park Department?

A. Two years.

Q. Only two years?

A. A little over two years — two years and nine months.

Q. Do you know that they always covered up the stumps of trees that were cut down, and that they did it long before Mr. Pettigrew was connected with the department?

A. No, sir.

Q. You don't know that that was always the practice under Mr. Olmsted?

A. No, sir.

Q. You don't know that that is the practice everywhere else in the world in parks?

A. No, sir.

Q. Now, in regard to painting the places that were made on the trees which were not cut down afterwards?

A. Yes.

Q. They used to paint the scar where they cut off a limb, too?

A. Well, yes, sir.

Q. And this is the same paint that was used for painting the scar when a large limb was cut off?

A. This is quite a different thing from the cutting off of a limb of a tree.

Q. But the same paint was used, wasn't it?

A. It might be, and it might not be.

Q. What paint was used?

A. Well, generally it was made up of lime and charcoal and linseed oil.

Q. And what was used where the tree was simply spotted?

A. It might be that or some other kind of paint. I never took any interest in what kind of paint it was.

Q. Do you know what the reason for putting that paint on is?

A. No, sir.

Q. Don't you know that it is to preserve the tree?

A. Well, I don't know whether it was or not. I couldn't say.

Q. Don't you know that scars in the bark of trees are painted that way, to prevent the trees from rotting?

A. I never got any instructions to that effect.

Q. But haven't you understood that that was the reason that they were painted?

A. No, sir.

Q. Have you done any pruning?

A. Yes, sir.

Q. Pruning off of large limbs?

A. Yes.

Q. Well, when you prune off a large limb from a tree, you put this paint on?

A. Yes, sir.

Q. Don't you understand that that is done to prevent the tree from rotting?

A. Yes, sir; that is what it is done for.

Q. (By Alderman GERRY.) Doesn't that depend upon the season of the year whether the tree is injured or not? Isn't it only when the sap is running?

A. Well, it don't make any difference on dead limbs.

Q. Well, I don't mean dead limbs, but how is it about live limbs?

A. Well, as to live limbs, of course it don't do to cut the live limbs off when the sap is running.

Q. And if you do cut a limb off then, what do you do? Cover it up to keep the sap from running?

A. Paint it over.

Q. What I was trying to get at was whether in your opinion you would think that it was necessary to cover up a place where a limb was cut off in the fall of the year or in the winter. Do you think it would be necessary to cover up a place with paint then, in order to preserve it?

A. No, I don't think a place was ever covered up in order to preserve it.

Q. (By Mr. MATTHEWS.) Did you ever hear that, as a principle of forestry, when any cut of that kind was made on a tree, it should be covered up with paint, to preserve the tree?

A. Those places were never covered up to protect the tree. It might have been Dawson's or Mr. Pettigrew's idea to do it to save the tree. It wasn't to protect the tree, but to save the men from cutting it down.

Q. To save it in that way?

A. Yes.

Q. How far was this filling or gravel, or whatever it was that was carted away from the place where that loam was put in four or five feet deep — how far was it that they carted it?

A. It might be about a mile — pretty near a mile.

Q. About a mile?

A. Yes, sir.

Q. (By the CHAIRMAN.) How many trees did you cut down in Jamaica Park?

A. Well, I couldn't say. There might be nine or ten or twelve — kept no account of them.

Q. Did you ever cut down any live trees there?

A. Yes, sir.

Q. You did?

A. Yes, sir.

Q. About how many of them?

A. Between 10 and 12 of them, or around about that — never counted them.

Q. About what would be the value of those trees?

A. Well, I couldn't say. I never heard the value of the trees. I don't know the value of a tree in this state.

Q. Have you ever worked around loam or trees in any other place than the Park Department?

A. Yes, sir.

Q. Where?

A. I have generally followed the gardening business right up.

Q. And you say that you cut down a dozen trees there?

A. Yes.

Q. Good, live trees?

A. Yes.

Q. Who gave you the orders to cut them down?

A. Mr. Fischer.

Q. Professor Sargent, did you say?

A. No; Mr. Fischer.

Q. Where is this place that you say you spread loam, where you put it on four or five feet deep?

A. It is right over from the Valley Gates, over towards the entrance to golf grounds.

Q. And how deep did you say you put it in?

A. It might run all way from four feet to five feet. I should think it was four or five feet, anyway.

Q. At least four feet deep?

A. Yes, sir.

Q. When was that put in there?

A. It was first put in about — I think about the last of September.

Q. In 1898?

A. Yes — no; 1899.

Q. Do you know anything about the depression of loam?

A. Yes, sir. It was good loam.

Q. Are you competent to give an opinion as to the depression of loam after it has been put in two years?

A. I don't understand you.

Q. How much would it settle in two years' time?

A. I couldn't say.

Q. Couldn't say?

A. No, sir.

Q. But you say there were four or five feet of loam put in there?

A. Yes, sir.

Q. You couldn't say what the depression of loam would be at all — wouldn't express an opinion?

A. I couldn't say. I never measured how much it would settle. It may settle six inches, it may settle a foot, for all I know.

Adjourned, at 6.09 P.M. to meet on Tuesday, April 3, 1900, at 2 P.M.

EXHIBIT NO. 56.

87 MILK STREET, BOSTON, March 28, 1900.

TO THE COMMITTEE ON INVESTIGATION
OF PARK DEPARTMENT, CITY OF BOSTON:

GENTLEMEN, — In compliance with a vote passed by your committee, March 12, 1900, "to examine the books and accounts of the Park Department, said examination to include the year 1899 only," I respectfully submit the following report:

Exhibit "A" shows a balance sheet, with the

Object of Appropriations,
Balances January 31, 1899,
Appropriations and Transfers 1899–1900,
Total Credits,
Expenditures 1899–1900,
Balances January 31, 1900.

This corresponds with the sheet prepared in the office of the Park Department, except that it shows in addition the manner of expenditure of the $12,000.00, Land for Playgrounds, also the expenditure out of the appropriation for Playgrounds.

Exhibit "B" shows in detail the expenditure of money under Chapter 412, Acts of 1898.

The books are kept in a minute manner, free from errors, and with great care.

As the order under which the examination was made did not provide for the opening of a new set of books no comments are offered as to the system in operation, consequently no recommendations are submitted.

JOSEPH A. CONRY.

"A"

Object of Appropriation.	Balances Jan. 31, 1899.	Appropriation and Transfers, 1899-1900.	Total Credits.	Expenditures, 1899-1900.	Balances Jan. 31, 1900.
Public Parks	$148,426 56	$501,108 00	$649,534 56	$481,654 56	$167,880 00
Strandway, M. P.—W.	6,419 98	.....	6,419 98	6,419 98	.....
North Brighton Playground	.....	7,000 00	7,000 00	841 30	6,158 70
Neponset Playground, Land	4,296 48	.....	4,296 48	4,296 48	.....
Neponset Playground, Construction	.....	5,000 00	5,000 00	5,000 00	.....
Billings Field Playground, Land	19,356 25	27,060 98	46,417 23	46,417 23	.....
Billings Field Playground, Construction	546 09	4,000 00	4,546 09	4,546 09	.....
Park Department, Main	.....	5,000 00 140,000 00	145,000 00	145,000 00	.....
Gymnasium, Ward 10	3,500 00	.....	3,500 00	.....	3,500 00
Mystic Playground	.....	1,500 00	1,500 00	840 35	659 65
Fellows Street Playground	.....	1,000 00	1,000 00	610 43	389 57
Chris. Gibson Playground	.....	7,000 00	7,000 00	3,919 55	3,080 45
Rogers Park	.....	2,000 00	2,000 00	735 21	1,264 79
Chestnut Hill	.....	150,000 00	150,000 00	57,690 40	92,309 60
Land for Playgrounds	.....	*12,000 00	12,000 00	11,742 08	257 92
Playgrounds	.....	400,000 00	400,000 00	†319,998 99	80,001 01
Columbia Road	.....	486,000 00	486,000 00	486,000 00	.....
Totals	$182,545 36	$1,748,668 98	$1,931,214 34	$1,575,712 65	$355,501 69

*Spent as follows:

Neponset	$9,804 39
North End	960 00
North Brighton	245 39
Chris. Gibson	209 58
Savin Hill	133 75
Mystic	125 00
Ashmont	87 18
Billings	8 00
Invest. sites	168 79
	$11,742 08
Balance	257 92
	$12,000 00

†Spent as follows:

Columbus Avenue	$268,314 48
Savin Hill	26,711 65
Roslindale	24,825 11
Forest Hills Playground	147 75
	$319,998 99
Balance	80,001 01
	$400,000 00

"B"

EXPENDITURES.

Under Chapter 412, Acts 1898.

COLUMBUS AVENUE.

DATE. Record Book.	Draft.		
June 8, 1899,	May 29, 1899,	$15,469 00	E. B. Evans *et al.*
"	"	14,956 00	H. J Willard *et al.*
"	"	8,099 50	E. B. Evans *et al.*
"	"	8,099 50	H. D. Williams *et al.*
"	"	15,758 00	James H. Stark.
		$62,382 00	in 1899.
January 1st, 1900		$105,073 39	West End R.R.
"		80,659 75	Heirs, Wm. J. Rotch.
"		9,652 43	A. M. Pollard *et al.*
"		9,652 43	G. C. Noble *et al.*

ROSLINDALE.

"	16,571 36	Heirs, John Pearce.
"	8,118 75	Orchard & Hewitson.

SAVIN HILL.

January 8th "	26,514 15	Heirs, Worthington, Richardson & Roberts.
Total	$318,624 29	
Of which	62,382 00	was spent in 1899.
Leaving	$256,242 29	spent in 1900.

Experts on land	$305 00
Engineers' expenses	493 30
Taxes	576 40
Total	$1,374 70
Land	318,624 29
Balance	80,001 01
Loan issued	$400,000 00

TENTH DAY.

CITY HALL, April 3, 1900.

The committee met in the aldermanic chamber, City Hall, at 2 o'clock P.M., Chairman NORRIS presiding, and all the members of the committee present.

Appearances. — Same as before.

The CHAIRMAN. — The committee will please come to order and the counsel will proceed.

TESTIMONY OF NATHAN HASKELL DOLE.

Q. (By Mr. LUNDY.) What is your full name?

A. Nathan Haskell Dole.

Q. Where do you live, Mr. Dole?

A. I live on Glen road, next to the park — 91, renumbered.

Q. And what is your business profession?

A. I am engaged in literary work. I suppose it might best be expressed in one word, if that is possible, by the word literarian. I don't know any other word that expresses it.

Q. You have lived for some time on the edge of the park system, have you not?

A. About fifteen years.

Q. And during that time you have paid more or less attention to the condition of the parks?

A. Naturally. It has been my back door — my back yard.

Q. Now, will you state to this committee what the condition of your back yard has been for the last three years?

A. Well, my back yard consists of what used to be called the Country Park. It was a park that belonged, I think, to Mr. Sawyer, and was taken by the Park Commissioners under the right of eminent domain. It was in a semi-state of nature, or in a state of semi-nature. It consisted of a hill, separated from another hill by what is now called Glen road, and was rather rocky, with a very bare and rather stony soil, and with a growth of comparatively small trees. There were a few pretty good sized trees, the most of which have since disappeared; but the small trees are still there — at least, some of them. It was a wild place, and, in its state of wildness, had a certain charm. Since I have lived there, the Park Department

has built a series of roads, rather intricate roads, through this country park — through this wild park. There was built in the first place, skirting it almost entirely, a foot path. Then, there was a trotting path, and then there was a hard and firm, wide avenue, or road, or driveway. It was constructed in such a way that in many places where before you would see nothing but wildness, you had a view of at least five roads, making it look very little like a wilderness, to my mind. It, of course, brought it within the power of those who had carriages and bicycles, and the few who had horses, to get in there; but I have seen very few of them there; and the charm of it was very largely dissipated, to my mind, by this construction of artificial roads through it. Then, afterwards a large part of it, or at least quite a part of it, was cut off, and the reservoir was built — an expensive reservoir. I think it is a brick lined reservoir to hold the water for watering the parks, and it was connected by a very long pipe, I think, with Washington street. I don't know, but I suppose that that reservoir is full. It was a great deal more interesting before it was full than since it has been full.

Q. Now, do you know Professor Sargent at all?

A. I don't know him personally at all.

Q. But you have seen some of his work there?

A. I have seen work that has been attributed to him.

Q. Well, work that has taken place since he has been the adviser to the Park Commission?

A. Yes; for instance, in the hill opposite my house, which when I first went there, was a very charming little nook. Any person going up into it then would almost think themselves in the White mountains, or so far away from the city that they would hear or see nothing of civilization, although they were really only five seconds from the street. That has now become as bald as my head. It is not an ideal state for either man or hill. The large pine trees have been cut away. When I first went there, we had Scarlet Tanagers and bluebirds, and the wren, and ever so many of the wild birds. Since this has been done, we find nothing but collections of English sparrows — about as fine a collection as you can find anywhere outside of the Boston Common. I believe that always follows where art and civilization, or rather where art, follows nature.

Q. Now, do you know anything about a stone wall on the Jamaicaway?

A. I know that the stone wall used to be up there, from the corner where my estate abuts over to Blue Hill avenue, right up between the two hills, the two hillocks, on the right

hand side of Glen road. It was like a scar across the bosom of Venus of Milo. It was filled in with loam behind it, and bushes of all sorts were put in there. It was supposed that these vines and other things would grow down over it, but they didn't. It was just high enough to furnish a convenient sitting place for lovers, just high enough for a dog to jump over if he wanted to, just high enough to spoil the outline of the glen, but not high enough to be of any use. It was all taken down last spring and carted off, and I suppose some of it was put in the stone wall that now skirts Sigourney street, to the utter ruin of Sigourney street. I might say here that, of course, all this sort of thing, the devising and building of a park system, must be necessarily the work of generations and the work of successive committees or managements; so that it may be very hard to put your hand on some responsible person. But it has seemed to me all the time that where the city of Boston was so deeply in debt it was foolish to spend so much money in unnecessary things, which our grandchildren will have to pay for. I think, for instance, that this stone wall which is now, at enormous expense, being placed around the park, might far better be left until our grandchildren, who will have to pay for it, decide that they want it themselves; and the money that will pay for it, if put on interest, would take every poor child from the city out to the park every Sunday during the summer for one hundred years to come. I consider it a perfectly foolish waste of money. It is not an American idea — an effete European idea, to keep people out of their own property. It does no good, except to keep a baby from looking over the wall into the park. There is no beauty in it. There is nothing to it but a little cement and some stones, which might very much better be in their native places. There are certain parts of the park where a stone wall may be advantageous; but to put an entire stone wall around the whole park, — and a stone wall as ugly as this one along Forest Hills street and Sigourney street is — I consider not only wasteful, but wicked. It is the same way along by the pond. The stone wall that skirts the pond —

Q. (By Mr. MATTHEWS.) Which pond?

A. Jamaica pond. It seems to me it is injurious. I know —

Q. You mean the wall is injurious?

A. I think the wall is injurious to the beauty of the landscape. I know that in private places in New England where there used to be fences and stone walls, they are taking them out, and are simply marking the bounds in

some way. That, of course, is a matter of taste. Some people like stone walls; but to me "Stone walls do not a landscape make."

Q. (By Mr. LUNDY.) Have you ever made any protest to the Park Commissioners?

A. Well, I suppose I have.

Q. Written them a letter?

A. Yes.

The CHAIRMAN. — What was that question?

Mr. LUNDY. — Has he ever made a protest to the Park Commissioners?

The WITNESS. — I have written a number of articles, and have talked with various members of the Park Commissioners. I have been around with artists, and with landscape gardeners, and more or less with those who are interested in the subject of forestry — because I am very much interested in that myself, although I am not experienced in it. Nor am I an artist — simply a private individual who likes to, see money spent advisedly and to the best advantage. I know how it is in private life. If anybody borrows money, that money is a great deal easier spent than if earned. Therefore, I think it is the same with the city, when I hear that the city of Boston has paid $1,016 for a single flagpole, to put in the centre of the Playstead — and a large part of that was spent on the guys. A thousand or more dollars were spent upon it. It was a single stick, costing considerable, that was brought from the far West — I believe from out in Washington — and was put up in the Playstead; and having been there a short time — I suppose because it was not a beautiful example of grace, although it was interesting as a single stick — it suddenly disappeared, and, I believe, was put up in Franklin Field. A large part of the money was spent on guys, however, and I suppose they may be there still. There is now no flagpole on the Playstead, and the flag of our country doesn't wave over it. As for the cutting down of trees, I am not a crank upon that subject. I believe that trees must be cut down. There are certain times when a tree deserves to have its head cut off, just as there are certain officials of the city whose heads deserve to be cut off. There are certain portions of the park where an arboriculturist's idea of a tree should certainly obtain. The arboriculturist desires to see a tree with every limb perfectly balanced, with every sense of proportion and symmetry observed. The artist does not like such a tree as that, and never paints it. And what I object to in the whole work of the Park Department in the cutting of trees is that instead

of leaving the unsymmetrical and interesting trees, which were not perfect, which sometimes had limbs that were decaying, and which should be cut off, they have cut down the trees altogether. We would not cut off or kill all our grandfathers, simply because their hair was white or they had lost to a certain extent the sense of hearing. These old trees were ruthlessly cut off, to let the younger ones spread their limbs out. I had rather see the old tree die and lie where it fell, except so far as it is dangerous to those passing by, than to see that done which has been done. Of course, any limb that is dangerous should be cut off. I have noticed that a great many quite beautiful specimens have been sacrificed — just as a few years ago an interesting rocking stone was destroyed. There was a stone there that a boy could rock, and yet it was in no danger of falling over on him. That was broken up and put into the rocks along the road. People would have come hundreds of miles to see that, because it was one of those interesting phenomena of nature — a rocking stone left there by the Ice Age. There is one thing that I wish to speak of. The majority of people who criticise the park criticise the trees from their summer aspect. In the summer, of course, as everyone knows, one single tree will do much more for a shade than in winter a dozen will do. If any one wants to see how the park looks in winter, they must look at it at the present time, when the trees are bare. This is, indeed, the loveliest time to observe a tree.

(By Alderman GERRY.) I would like to ask Mr. Dole if he knows of many large trees that have been cut down?

A. Yes, I have known of a good many large trees being cut down — along on Forest Hills street, especially. There were some very large trees there. A great many clumps of trees were destroyed there. And a great many were destroyed when the Jamaicaway was built, across on the left hand side as you go down to Forest Hills street. There were a great many interesting trees there that had been imported at large expense — very interesting varieties of trees. I have forgotten the name of the man who lived there, but he imported them, and took great pride in them, and a great many of them were sacrificed to build that bridge — and I think of all the ugly bridges that were ever constructed, that one that allows us to be carried to the cemetery under it is the worst. I should think it would bring people either to life or —

Q. (By Mr. MATTHEWS.) Which bridge is that?

A. The one that carries Jamaicaway over to Forest Hills street, to Forest Hills Cemetery. It is known as the "Fu-

neral Bridge." It happens to be of very inferior form and inartistic in shape. A bridge is one of the most beautiful things there is if it is well formed.

Q. (By Alderman GERRY.) Mr. Dole, what is your general impression, if I may ask, of the policy of the Park Department this last five years, as regards useless waste of money, extravagance and waste, and the tendency, when they have once got a thing settled, to tear that up or break it down, and put something else in its place? Have you noticed anything of that sort?

Mr. MATTHEWS. — Well, Mr. Chairman, I haven't any objection to the witness answering that, if he has noticed any waste or extravagance; but I don't think it is fair to express a general impression, unless he knows of some specific facts.

Q. (By Alderman GERRY.) Well, I will ask you, Mr. Dole, if you have noticed anything of that sort?

Mr. MATTHEWS. — That is all right.

The WITNESS. — It is rather hard for a private person to judge of useless waste in detail.

The CHAIRMAN. — I understand the question to be if he has noticed any extravagance or waste.

The WITNESS. — I have noticed this, that there has been an entire reversal, or reversion, of the apparent policy of the former landscape gardener of the park, which was Mr. Olmsted. As every one knows, he took a waste in New York City — the very waste of New York City, in fact — and made it blossom like the rose. He laid out Franklin Park with a view, apparently, of leveling hills and putting in ponds, and of building up hills where there were no hills before. It seemed to me that it was a very extravagant and useless way of reorganizing nature. He also set out a vast number of shrubs — too many shrubs, it seemed to me, altogether. The apparent policy of the present management has been to undo as far as possible very nearly all that Mr. Olmsted had done. If that had been omitted in the first place, I think it would have been wise; but having begun that way, as this was all done with borrowed money, it was foolish, very foolish, indeed, to undo it. I should not approve of such a thing in any private person. If a man has a million to spend, I have no right to criticise him for undoing what he has just done; but I think that the city of Boston, which is borrowing money to do these things, has been doing so foolishly. I think that every one has seen, as they have ridden along on a bicycle or in a carriage, that a tremendous amount of undoing has been done between

Jamaica Pond and the Back Bay Fens. What will become of it later, I do not know; but at the present time it is unpleasant to see. I never liked the putting in of non-indigenous plants and shrubs there. I think it was foolish; but, they having been put in there, I believe in letting them stay there until the city of Boston is able to pay for taking them out as it goes along with the work. We are borrowing money, which our children will have to pay for; and the unnecessary expenditure of money has been foolish. I do not believe I would go into any charges of robbery or jobbery or anything of that sort, but I simply say that, when one borrows money it is vastly easier to spend it than it is to earn it — and we have been borrowing money for all this work. There is one other thing that I might mention, and that is the way Jamaica Pond was ruined by the landscape gardening of it.

Mr. MATTHEWS. — I beg pardon — I didn't get that.

The WITNESS. — I say that Jamaica Pond was ruined by the landscape gardening which was perpetrated upon it. It had certain lines which were very charming. The side toward Pond street was built into a sort of a quay of hewn stone, and made as ugly as anything could possibly be, the outlines of the pond were very largely changed, a walk was built along the edge of the pond, which may have been necessary, and the width of the pond was very materially diminished — very much to the injury of the pond, which is not any too large, anyway. That, I think, was unnecessary, although it was felt by the landscape gardener that the tramping of thousands of feet would have a tendency to make it muddy and very unpleasant; but certainly in the state it was put into, it was very ugly — better to keep people off and have beauty than to let people go on and have ugliness.

Q. (By Alderman GERRY.) But still, for all that, I believe you think, Mr. Dole, like a great many of the rest of us, that although that wall on Pond street was very ugly, still inasmuch as it had already been put there and all built and paid for, it ought to be allowed to remain. What is your opinion in regard to going to the extra expense of tearing that down and putting the location in the condition it is in at present?

A. Well, as I said before, I think it was foolish to put it in there, but still more foolish to pull it up at the present time. They should have let it go for fifty years, until we were able to pay for tearing it down and doing whatever we wanted done. Then, perhaps, by that time the stone would have been valuable. I believe they claim that the centre of

population is now in Jamaica Plain. Perhaps by that time the centre of population might have got a little beyond us, and we might have built it into a City Hall. Then, again, it might have been used for relics — broken up and used for relics.

Q. Do you think it could have been broken up and used for some purpose in the park?

A. I do not see why it could not have been broken up and used for repairing the roads, which certainly need a good deal of repairing, and have not been well taken care of while these expensive improvements were going on.

Q. Do you know anything about water vines, which perhaps could have been trained over that wall and made it less ugly?

A. No, I don't know anything about that sort of thing. That is outside of my province.

Mr. MATTHEWS. — What was that?

Alderman GERRY. — I asked him if there were any water vines that could have been trained over the wall, and which might have made it quite beautiful.

A. I don't know why it could not be done. I don't know why something could not have been found or invented.

Q. In other words, you consider that the judgment or advice which was given to the Park Commission to tear that down was given by a man who was, at least as far as that goes, incompetent to give such advice? Would you say that?

A. The word "incompetent" I should not dare to use of any person except myself.

Q. Well, what word would you use?

A. I should say it was unguarded, and unjustifiable, and unnecessary, and foolish. It seems to me, as I have said all along, that, as long as it was there, it was better to let it be — for the present, at any rate. As I say, the present system of carrying on the trees of the park has been that of an arboriculturist, and that the whole system has been that of a person who was simply a little old-fashioned. I had a talk with a man who had come home from the great arboricultural school in Rostock, Germany, and who was looking over certain parts of the parks —

Mr. MATTHEWS. — I must object, Mr. Chairman, to the witness relating any conversation with any man who is not produced.

Alderman GERRY. — This committee, Mr. Chairman, wishes to get at this matter, and to get all the testimony and all the evidence obtainable to show whether the management of the Park Department has been the best that could have

been obtained, and I do not know why Mr. Dole should not be allowed to proceed.

The WITNESS. — Perhaps I have no right to use the statement of another person.

Mr. MATTHEWS. — If the expert referred to can be produced here, I should be very glad to have him come; but it is rather unfair to a man to quote him second hand.

The WITNESS. — That is true.

Alderman GERRY. — I make a motion, Mr. Chairman, that Mr. Dole be allowed to give that conversation.

The WITNESS. — Perhaps, out of justice to the man, I had better not.

The CHAIRMAN. — The committee have felt that such men as Mr. Dole and others who have been willing to come in and testify voluntarily, ought to be given a great deal of latitude, and the committee will take it into consideration themselves. We went over the qualifying of experts, and we thought we could give them a little latitude, even although they did not qualify, and take the testimony for what it is worth.

The WITNESS. — I am perfectly willing to go on, but my testimony is simply the judgment of an ordinary citizen.

The CHAIRMAN. — I might say that it is the judgment of the committee that Mr. Dole may go ahead.

Mr. MATTHEWS. — I have no desire to go further, if that is the decision of the committee; but I hope the committee will understand what it is doing. It allows a witness to testify to hearsay — to testify to an opinion expressed by someone else, who is not to be brought to this hearing, and who may not have said exactly what this witness thinks he said at the time. I don't care to discuss the question any further, but I will assume that the same privilege will be extended to us.

Alderman GERRY. — Certainly.

The WITNESS. — I would prefer to withdraw what I said about the judgment of another person.

Alderman DAY. — I do not think that is hardly fair, Mr. Chairman, to ask the witness to relate this conversation. The witness has said that he did not think it was hardly fair to make that statement. I do not think that the committee should allow any such statement as that to be made.

Mr. MATTHEWS. — I hope that the committee will understand that the opposition is not one of hostility, but simply to make it sure that advantages given to one side will be extended to the other, if it is desired.

Alderman GERRY. — I will not insist upon his giving any further testimony as regards what the gentleman said who came from Germany, was it?

The WITNESS. — Yes.

Alderman GERRY. — He has already said — and that is all we wanted to know — that that man called the present régime old fashioned and not up to date, and that he did not agree with —

The WITNESS. — I didn't say quite that. (Laughter.)

Alderman GERRY. — What did you say?

The WITNESS. — That is the danger of repeating the judgment of another person. I would not say that he said the present régime was old fashioned. I said that was my impression, as judging from the conversation that I had, that the present head or the adviser —

Mr. MATTHEWS. — Are you stating what this gentleman said?

The WITNESS. — No, sir; what I had in my own mind.

Mr. MATTHEWS. — Very glad to hear that.

The WITNESS. — I am not an expert upon arboriculture. I am simply interested in this, and have come to this hearing, at a great deal of inconvenience to myself —

The CHAIRMAN. — You might express your own opinion, and tell what you know of the park system yourself. I think it would be just as well for you not to express the opinion of others.

Alderman GERRY. — He is doing that now, Mr. Chairman.

The WITNESS. — I was not intending to express the opinion of others, except in so far as, having talked with an expert upon this subject, my opinion may have been influenced by one or two experts with whom I have talked upon the subject. I will not pretend to quote the words of another man, because I might not quote them correctly. That is the impression that I got and the judgment which I formed of the cutting down of the trees very largely through the park, where they were cut down for the sake of making more perfect trees in the future, and of making, where there was an artistic grouping of trees or a clump of trees, an opener space and more room for the younger trees to grow. On the one hand, it is the landscape gardener as against the expert tree culturist. It seems to me the cutting down of trees has been carried to excess, although there is room for that, especially in the Arboretum. I know that that has been done through a very large part of the park with which I am familiar. Even along Perkins Bank, on the side of the pond, many

beautiful trees, as I think ever so many persons who live in the vicinity know, have been cut down, and, as we think, sacrificed rather ruthlessly — trees that are strong and large and healthy.

Q. (By Mr. MATTHEWS.) Where are these trees?

A. On the Perkins Cove, by the pond.

Q. Were they elm trees?

A. No, I don't think they were elm trees. They were large and handsome trees. Of course, in time other trees will grow, and at some future time they may even become better trees than those which were removed; but we are living at the present time, and we don't like to have all the shade cut off from us, even in order that our grandchildren may walk under an ideal shady arboraceous arbor.

Q. (By Alderman GERRY.) I would like to ask Mr. Dole if, in his opinion, in case the present policy is allowed to continue, he doesn't consider that it would be a great detriment to the park system? That is to say, if the cutting of these large trees, any more than what is absolutely necessary for the sake of clearing the park of dangerous trees, is allowed to continue on as extensive a scale as has prevailed in the past, it would not be a great detriment to the park system?

A. It seems to me it would be a great misfortune, as it has been already. I think it has been the greatest misfortune of the park system, for those who are living at the present time.

Q. And therefore you consider that the man who is responsible for that is not a proper man to advise the Park Commissioners in the future? That is to say, the man who is advising them at the present time is not a proper man to advise them in the future?

A. I am sorry that he has advised them at all. That is the way I feel about it. It may be that, having begun with the system, to cut it off now might be ruinous. I hope there will not be many more trees cut down. I look upon a tree as, in a certain way, a sacred thing. I am sorry to see any tree go. I think that some of the trees along Washington street ought to have been saved. The money that has been wasted in the park might have been used in saving those trees until they died in their old age. There are a number of trees along Washington street which might have been saved, and which would have been a perpetual delight to those that go by. The money that has been used in building and tearing down that stone wall would have bought every one of those places which are now covered with buildings and kept them open as park places — and they will probably have to be

bought ultimately for the people. I think it has been a misfortune to have so many trees cut down; and yet I say I am not a crank upon that subject. A dangerous tree must be cut down. Some trees must be cut down.

Cross-Examination.

Q. (By Mr. MATTHEWS.) Can you point out on the map of Franklin Park exactly where your house is located, Mr. Dole?

A. Yes, sir.

Q. Just point it out, please. (Handing map to witness.)

A. It is right in there (pointing) — the last place on the right of Glen road.

Q. You mean the last place going from the park?

A. No; the first house, going from the park.

Q. That is, as you go out of the park, it is the first house on the left?

A. Yes.

Q. The first private house after you pass the park proper?

A. Yes, sir.

Q. Your property abuts on what is called the Wilderness?

A. Yes. That is part of the country park.

Q. Now, you have said that there was an unnecessary number of roads through the Wilderness —

The CHAIRMAN. — How near is your house to the park?

The WITNESS. — It is right in it, almost. It is right there (pointing).

Q. (By the CHAIRMAN.) Which pond is that (pointing)?

A. That isn't a pond. It is private property. That (pointing) is the Playstead, and it was about in the centre of it that that flagstaff was erected.

Q. That (pointing) is where your house is?

A. Yes, sir; right in there.

Q. (By Mr. MATTHEWS.) You said, if I remember it rightly, that there was an unnecessary number of roads in the Wilderness?

A. Well, that, I suppose, was a part of the original laying out of the park, by Mr. Olmsted.

Q. You have no doubt of that, have you?

A. No, sir.

Q. You don't know of any road built through the Wilderness since he ceased to be connected with the department?

A. No.

Q. And all the roads which you, and very likely other persons, have objected to, and which are now seen in the Wilderness behind your house, were a part of the original plan for the development of Franklin Park?

A. Yes, sir; and all the stone walks — the unnecessary stone walks. They were a part of the original folly.

Q. You would say that the roads were unnecessary, and that the stone walks were unnecessary?

A. I think they are certainly unnecessary when built with borrowed money.

Q. And you would say that these stone walks were somewhat inconsistent with the general character of the scenery in that part of the park?

A. Yes, sir. You cannot say anything about the former arrangement of the park that I will not agree with.

Q. That is, I could not say anything in criticism of it that you would not agree with?

A. Yes; exactly.

Q. Well, practically everything that you have mentioned was done in the execution of Mr. Olmsted's plan and under his direction, wasn't it?

A. I should say a large part of it was, except the cutting down of the trees and the undoing of what he had already done. That is the objection I have to it, that, that having been done, it is unnecessary to undo it at the present time.

Q. You think that Mr. Olmsted's plans were in many particulars unsatisfactory, and that they ought not to have been carried out in the first place?

A. I agree with that, entirely.

Q. But, having been carried out, you think they ought not to have been changed?

A. Not at the present time.

Q. And you called attention to the unnecessary number of roads in the Wilderness, to the unnecessary stone steps in the Wilderness, to this reservoir —

A. I wouldn't say that is unnecessary. I wouldn't use that word, because I don't know whether it is necessary or not.

Q. Well, you called attention to it as an objectionable feature, in your judgment?

A. I don't think I exactly said that. I said a large number of trees had been cut off, to make room for it.

Q. Do you know when the trees were cut for that purpose?

A. I should say about five or six years ago.

Q. That is, it was while Mr. Olmsted was adviser to the department, wasn't it?

A. I think so — and I wish this investigation had been called before he had done some of the things that he did. I think it would have saved the city of Boston a vast deal if it had been.

Q. Do you remember that a great many persons besides yourself objected to the artificial changes in Franklin Park — for instance, to the building of the stone steps, to the laying out of the unnecessary roads, and to the building of the walls along the country park?

A. Exactly.

Q. You remember that there were objections at the time, don't you?

A. I don't know that there were any objections to the wall built along the country park, except that on Glen road.

Q. Don't you remember that there was a great deal of criticism at the time when that wall was put up?

A. Yes; that part from my house up to the entrance to what is called the country park.

Q. And that is the wall that you call a scar on the bosom of Venus?

A. Yes, sir. That is poetical.

Q. But that expresses your opinion of the impropriety of locating that wall there?

A. Exactly.

Q. Well, I have nothing to say about that; but that wall was built in conformity with Mr. Olmsted's plans and in accordance with his directions?

A. I suppose it was, but I don't know what that has to do with it.

Q. Well, the fact is that they built that wall while he was connected with the department?

A. They are building a still uglier one along Sigourney street and along Forest Hills street.

Q. Those are boundary walls, aren't they?

A. Yes. They are, nevertheless, ugly.

Q. But that wall which you speak of was a wall inside of the park?

A. Yes. Their intention was to have the country park kept closed at night, and not lighted, for the sake of saving the electric light or the gas light. Whereas elsewhere the park was to be lighted, that was to be kept closed at night; and they built expensive stone walls and iron gateways in order to keep the people out. It never kept them out, however, and it has never been closed.

Q. This wall that runs along Glen road runs right through the park?

A. Right over to Blue Hill avenue. There is no road by which traffic can go across the park except by way of Glen road and its continuation across the park. That road is for the greater part of the way a sunken road, and the wall is therefore less necessary than elsewhere. I suppose you had to have traffic across the park. That is the objection to Boston Common, that there is no chance for traffic across it.

Q. Now, we will come to this funeral bridge which you object to as a most inartistic object. That was also planned and carried out under Mr. Olmsted's directions?

A. Well, sir, if that is so, I should have impeached him for doing that.

Q. Don't you know that is a fact?

A. I suppose it was.

Q. Do you happen to remember whether a great many people objected to that bridge?

A. I do.

Q. Possibly you remember that the Mayor of Boston objected to that bridge at the time?

A. I am happy to say that he did.

Q. (By the CHAIRMAN.) Who was Mayor then?

A. Mr. Matthews. (Laughter.)

Q. (By Mr. MATTHEWS.) And you may remember that the Mayor of Boston also objected to the stone wall along Glen road, and to the stone steps which you mention, and also to pretty nearly everything else that you have mentioned?

A. Yes, sir. There have been a number of sensible men, which was very fortunate for the city.

Q. Now, don't you know that, notwithstanding the objection of all these people, and notwithstanding the repeated objections made by the Mayor of Boston at that time, these things that you criticise were all carried out because Mr. Olmsted was the responsible architectural head of the Park Department?

A. I suppose that he at that particular time was beginning to show the signs of mental weakness which has so unfortunately removed him from a sphere of usefulness.

Q. That is to say, he had been one of the first men in his line in this country?

A. Yes, sir; and I think his mental failure was beginning to show itself then. The only objection I have to undoing these stone walls is the fact that the work is being done with borrowed money, and that it is an unnecessary expense at the present time.

Q. Well, if the work that was done which you think ought not to have been done, and which has now been un-

done, was undone at comparatively small expense, that would go far towards minimizing your objections, would it not?

A. Certain parts of it — not the cutting down of the trees.

Q. I am talking about the landscape features. Take the wall that was built along Glen road, for instance. You and a great many other persons objected to that wall as unnecessary and unsightly. Now, the stone that was taken out of that wall was utilized for the boundary wall?

A. Utilized for what I consider an unnecessary wall.

Q. But the stone has been utilized for the boundary walls?

A. Yes.

Q. And whether or not you remember that the boundary walls were a part of his original plan?

A. I suppose they were, because he was fond of stone walls; but that I don't remember.

Q. You think, also, that an unnecessary number of shrubs were originally set out?

A. I think an unnecessarily large number of imported shrubs and non-indigenous shrubs were set out.

Q. How would you state your objection to the use of exotic shrubs and trees in Franklin Park?

A. I believe in exotics wherever they will grow. I believe that every great man imported into a country is an addition to the country; and so I believe that every imported shrub that comes to grow naturally is a gain. There are rows of trees that were put in very thick. I think there has been too much of that thing. I believe that there have been too many shrubs and little climbing things, and that it would have been better twenty years ago to set out trees.

Q. You made some objections to the exotic shrubs in Franklin Park. Will you specify which ones you had in mind?

A. I think there were too many of these Japanese roses, too many of the little flowering shrubs that were pretty for a little while, but there were too many of them to be seen all along the roadside between Jamaica pond and the Fenway. There was an enormous number of little shrubs there, and very few trees.

Q. I would like to ask you whether or not your criticism would extend to the Japanese cedars and spruces, and to the retinosporas?

A. I don't object to some of them. I think some of them were all right and very beautiful, and that they make a charming picture; but there was too little tree and too much shrub.

Q. What is your opinion concerning the insertion of foreign shrubs in a park like Franklin Park, dedicated to New England scenery? Do you think they harmonize with the general scenery of the park?

A. I think that where you have an extensive roadway, such as Williams street, where it is carried down across the Ellicott Arch, the rhododendrons and the large flowering shrubs made a very charming —

Q. You wouldn't call rhododendrons and those shrubs exotic?

A. No; perhaps not.

Q. They are natives?

A. But there were some shrubs put in along there on the park that were flowering shrubs. I don't suppose we could call rhododendrons exotics; but they don't grow in that particular park, and we don't usually see them clumped along by the roadsides, I mean.

Q. Did you ever hear that the introduction of those exotic shrubs in Franklin Park was not a part of Mr. Olmsted's plan, but rather contrary to his advice?

A. No; I never heard anything about that at all. I knew nothing about it. I didn't object to the shrubs so much, as I did to too many shrubs.

Q. You thought there were too many of them?

A. Yes. I love all kinds of shrubs in their places.

Q. I understood you to say "I don't like foreign plants."

A. No, I beg pardon. I think you must have taken it down wrong.

Q. Perhaps I made a mistake, but that is what I have got you as saying.

A. I have been trying to say what I meant, but that is not what I meant.

Q. Your objection to the shrubs, as planted under Mr. Olmsted, was not so much to their character as to their number?

A. To their number, and their excessive superfluity, as compared with trees.

Q. Did you ever read Mr. Olmsted's report to the Park Commissioners upon the planting of shrubs?

A. I think I have read nearly all the reports of the Park Commissioners, and I suppose it was imprinted in them.

Q. Don't you understand that he explained in a report which he made the reasons for planting shrubs so thickly?

A. If so, I have forgotten it.

Q. You don't remember that he advised the Park Commissioners that the greater part of those shrubs should be cut out in a few years?

A. I don't remember that.

Q. You don't remember that he gave that advice before they were actually planted, and perhaps you never heard that he subsequently advised the thinning out of those shrubs, and, that, as a matter of fact, the work was delayed until his connection with the department had ceased? Do you remember that?

A. I remember something of that sort, now that you speak of it. I remember it was printed in the report of the Park Commissioners, but I have forgotten what year.

Q. Now, to take up the subject of tree cutting, do you remember any report or advice that Mr. Olmsted gave to the Park Commissioners concerning the thinning out of the trees in Franklin Park?

A. No, sir, nor do I know that I should care very much for that, because I look upon it from the artistic standpoint.

Q. Well, my question is addressed to this point: You had in your mind, apparently the thought that there was some difference in policy between the advice given by Mr. Olmsted and the advice given by Mr. Sargent with respect to the thinning out of the trees in Franklin Park. Now, I ask you whether you have in mind the reports that Mr. Olmsted himself sent to the Park Department concerning the necessity of thinning out the trees in Franklin Park?

A. I remember that report.

Q. There was advice given to have a certain number cut out?

A. That, of course, is necessary.

Q. And do you happen to remember that, as a matter of fact, the work was not done until after Mr. Olmsted's connection with the Park Department ceased?

A. It was very largely not done because the man who had that department of the park under his control — and this man was a German — especially disliked to cut down a tree. He not only disliked to cut down a tree, but I think he also disliked to cut down shrubs; and I think that in some cases where it might have been necessary for them to be cut down, he preferred to keep the trees standing.

Q. Do you remember that there was considerable friction between Mr. Olmsted and the gardener whom you refer to in respect to this very matter?

A. I know nothing about the friction. I should not be very likely to know that.

Q. Do you remember that he was very anxious to have this work done, and that he was continually urging the Park Commissioners to continue thinning the trees, but that he never could get Mr. Fischer to do it?

A. I know Mr. Fischer was very conservative.

Q. Did you ever hear that Mr. Olmsted advised Mr. Fischer's removal or resignation, because he could not get that done which he, Mr. Olmsted, thought ought to be done?

A. I know nothing about that, nor do I especially care. That is not my quarrel.

Q. Do you happen to know that Mr. Fischer's office was abolished at Mr. Olmsted's suggestion, because he would not resign?

A. I don't know as that would affect me in my opinions in any way at all. That is a matter between Mr. Fischer, Mr. Olmsted and the Park Commissioners.

Q. Well, the only pertinent feature about it is in reference to any changes of policy?

A. Naturally, where a new man comes in, there comes a change in policy. I don't object to change in policy.

Q. My question is this: Whether this change in the office held by Mr. Fischer was not brought about before there was any change in the advisory landscape architect of the department?

A. Of course, I knew nothing about that; nor do I see what that would have to do with the fact that too many trees were cut down.

Q. I don't know that it would. I am simply asking this question with reference to what you seem to have thought was a change.

A. Mr. Fischer was extremely conservative in his policy.

Q. Well, you don't know, Mr. Dole, of any conflict of opinion between Mr. Olmsted and Professor Sargent in respect to the thinning of trees and shrubs?

A. I don't know how I should know anything about that.

Q. I simply ask you whether you do?

A. No, I do not. I never approved of Mr. Olmsted's policy; I approve of the present manager's policy — I won't say still less, I would not dare to say that, but I think it has been overdone.

Q. Now, going on to Jamaica Pond, you said, as I took it down, that you thought the pond was largely ruined?

A. I think the pond has been very much injured, by being made more narrow.

Q. That was caused by the putting in of those walks along the north, east and south sides of the pond, wasn't it?

A. I think so, very largely.

Q. And that was done by Mr. Olmsted, or under his direction, wasn't it?

A. I presume it was.

Q. And do you remember that a great many residents of that part of the town objected to those walks at the time?

A. I do.

Q. And a good many said afterwards that they objected, didn't they?

A. Yes, sir; I think the Mayor of Boston at that time objected.

Q. I rather think he did. (Laughter.) And don't you remember that the Park Commissioners overruled the citizens and the Mayor, relying on Mr. Olmsted's advice, and built those walks?

A. Yes, sir; I do. I remember that we who protested were helpless.

The CHAIRMAN. — What year was that?

Q. (By Mr. MATTHEWS.) Can you state the year? Do you remember the year?

A. I think about ten years ago.

Q. Well, in 1893 and 1894, wasn't it?

A. Yes, I think so, — about seven years ago. Well, it was before that that they began to do it, wasn't it?

Q. No. Didn't take the land until 1892.

The CHAIRMAN. — I believe you were Mayor, weren't you?

Mr. MATTHEWS. — Yes, sir. That is the point, I believe, of all these questions — that the whole city was up in arms, as far as I could observe it, in regard to the proposed development of Jamaica Pond, particularly the narrowing of the water surface' and the needless artificial features, which Mr. Dole has criticised, and properly criticised; but Mr. Olmsted had his ideas, which we thought were wrong. His ideas prevailed, and the responsibility rested on the Park Commissioners, the Mayor and Mr. Olmsted at that time. Consequently, it does not rest on the present Commissioners.

The WITNESS. — Certainly no responsibility for that can rest on the Commissioners who have come in since that time, of course, because that was a long time ago, but because mistakes have been made is no reason for continuing them.

Q. I am coming to that. Nothing was done about those walks which you objected to so strongly, as narrowing the water surface of Jamaica Pond, was there?

A. I don't think so — so far.

Q. But something was done with the wall that was put in on the south side of the pond?

A. Yes, I know that.

Q. And you said, as I took your words down, that, while you thought it was foolish to put the wall in, you thought it still more foolish to pull it up?

A. I do at the present time, yes.

Q. You understand that that wall has been pulled up?

A. Yes, part of it.

Q. All of it?

A. I didn't say it was all gone.

Q. Don't you know that one course has been taken off?

A. One course has been, but part of it has been left there. They began on it, and when this investigation came along I know that the work was stopped.

Q. Do you know why the top course of those stones was taken off?

A. Oh, bless me, no. I suppose it was done because the investigation came along, and they thought they would wait until the investigation came to an end, to see whether it would be criticised.

Q. Well, you know nothing about it?

A. Absolutely nothing. I don't see why I should.

Q. Do you know whether the firm of Olmsted, Eliot and Olmsted gave some advice about that matter?

A. No. How should I know that? I am simply here to express opinions, nothing else. I don't know anything.

Q. Many of your opinions we entirely agree with, Mr. Dole. Do you know what it has cost the city of Boston to correct what you considered to be a defect in the original plan of laying out Jamaica Pond, with regard to this particular wall?

A. I am sure I don't know anything about that.

Q. Would you be surprised to know that it cost only $700?

A. Well, that is the interest on a considerable sum. It is a large part of a man's income — more than some men's income.

Q. You would prefer to have that wall remain there forever, rather than to spend $700 in correcting it, by removing the top course?

A. If I had been wealthy enough myself, I should have been glad to give the whole amount to have it taken up.

Q. If it had been your own park and you were spending your own money, you would have spent the $700 to correct the deformity in Jamaica Pond?

A. Not if I had to borrow the money.

Q. You think the distinction would be between borrowing the money and raising it in some other way?

A. Yes, sir; I think so, because whatever money is yours you have a right to spend. The money you borrow, it is a question how far you have a right to spend it.

Q. Now, one more question about Jamaica Pond. You objected, as did others, to the original plan of 1893 and 1894 for the walks and the walls?

A. I objected to it very seriously.

Q. Yes. Do you know whether anything has taken place since — any natural, inevitable change in Jamaica Pond that has taken place since — that has caused those walks and wall to be even more offensive than they would have been if things had remained as they were when the walks and wall were first built?

A. I should say the level of the pond had risen.

Q. Risen?

A. I think so. It has seemed to me, when I have been over there a number of times, that it has risen.

Q. Isn't it a fact that it has dropped about three feet?

A. I don't know. I should judge from what I have noticed two or three times when I have been by there, on the Brookline side, that it was higher. It looked to me as though the water was higher than it used to be, because, when I used to go by there five or seven years ago, there were bare places that came above the water, that I have not seen recently. The pond varied then much more than it does at the present time.

Q. Let me suggest this proposition to you. Supposing these walks had been laid out and built, and the wall built, six years ago, with unsatisfactory and unfortunate results from the standpoint of the scenery of the pond, and suppose that since then the water level has dropped some three feet so as to increase and aggravate the enormity from the artistic standpoint of these walks and wall — assuming those to be the facts, wouldn't you say that the Park Commissioners were justified in spending $700 in correcting that difficulty — the increased difficulty, the new one — by lowering the height of the wall?

A. If the actual average height of the pond had fallen three feet, I should certainly say so.

Q. I ask you to assume that?

A. Yes, assuming that that is so, assuming that the actual level of the pond has fallen three feet.

Q. Well, I will not ask you to assume that it has fallen three feet, but two or three feet, so as to expose a greater surface of the wall?

A. I should say there was some justification in that. Seven hundred dollars, of course, is a comparatively small sum, only a drop in the bucket.

Q. You know that the Park Commissioners have had to deal with a change of the water level in respect to the walks themselves?

A. I think it would have been easier to have the level of the pond kept a little higher.

Q. Well, you are not prepared to state how that desirable end could be accomplished, are you?

A. I could imagine.

Q. How?

A. I will tell you in your private ear.

Q. Do you know what has been done by the present Park Commissioners to correct the enhanced obnoxiousness of these walks, due to the fall in the water level with regard to the walks, as distinguished from the wall?

A. No, sir; I do not.

Q. Has your attention been called to the bank of shrubbery that has been interposed between the walks and the water?

A. It has.

Q. Whether you don't think that has been an improvement, in view of the change in the water level, and whether you do not think the expense of it was justified?

A. I want to add, before I answer that question, that if you think I am attacking everything that has been done by Mr. Sargent, or that has been done under his direction, I have put myself in a very false position.

Q. Oh, no. You haven't attacked anything yet. Everything you have criticised so far has been done by somebody else?

A. I think it has been attacked very largely by a great many persons. Originality on my part in the matter I should be very far from assuming.

Q. Now, answer that question I have just put — namely, whether you do not think that what the Park Commissioners have done in placing shrubbery between the walks and the water edge, has been a desirable change?

A. It certainly has.

Q. In view of the lowering of the water level?

A. Certainly it has — makes up for the loss of some of the trees along the banks.

Q. Did I understand you to object to the thinning of the trees at Pine Bank?

A. Yes, sir.

Q. You meant at the place known as Pine Bank?

A. Yes, sir; and along that shore, what used to be called Perkins Cove.

Q. Was your testimony confined to the Perkins estate, known as "Pine Bank," or did it apply to the whole east shore of the pond?

A. To the whole east shore of the pond, but especially to Pine Bank.

Q. Have you recently been to Pine Bank?

A. Yes, sir; two or three days ago.

Q. Don't you think it looks better than it used to?

A. I beg pardon — I liked it much better as it was.

Q. You wouldn't claim that it was in a state of nature as it was?

A. No, sir.

Q. Filled with foreign trees, known as Norway Spruces?

A. There were some Norway Spruces there.

Q. Isn't it a well known fact that the Norway Spruce does not thrive in Eastern Massachusetts after it has reached the age of forty years?

A. Well, I think the trees were removed too soon. Some of them were very good trees.

Q. Haven't they been there forty years?

A. I wouldn't kill a cat because it was forty years old, because it might still catch a mouse.

Q. You know the Norway Spruce was introduced into this part of the country since the early part of the century?

A. You are now calling on my knowledge, which I say is very small.

Q. You don't know this, I suppose, that the Norway Spruce has proved a failure after reaching the age of forty or fifty years, in this climate?

A. Well, I know the poplar, for instance, —

Q. No, I am speaking of the Norway Spruce?

A. I wouldn't know about that myself.

Q. You wouldn't?

A. No, sir. But if it did, I would still keep it as long as I could, just as I would keep a poplar — keep it as long as possible.

Q. I wonder if your attention has ever been directed to the thinning of trees that took place in the Arboretum — not the thinning for purposes of plantation, the planting of specimen trees, for which the Arboretum was primarily intended, but the thinning in the woods of the Arboretum, where the swamp white oaks are, for instance?

A. Yes, I have noticed that. At the same time, the Arboretum is a proper place for the proper thinning of trees, to make them as perfect as possible. You mean at the left hand side of the road?

Q. I am not calling your attention to that portion of the Arboretum used for the planting of specimen trees, at all?

A. You mean along by the road?

Q. I am directing your attention to the portion of the Arboretum where the swamp white oaks are — along by the road?

A. (Pointing to map.) Some here?

Q. (Pointing.) No, down there — where there are no artificial plantations. I am simply asking whether your attention has been called to that? Perhaps it has not.

A. I have been through there with my bicycle, and took notice of some trees that were cut.

Q. Whether you noticed how the trees looked before they were thinned, ten years ago, and their condition to-day?

A. There is a difference, of course, when you go there in the spring, summer or early fall, when the trees have come out and show to better advantage than they do at the present time.

Q. Answer the question — whether you have noticed that part of the Arboretum?

A. Yes, sir.

Q. Have you noticed the effect of the thinning of trees, done some ten years ago?

A. As a general thing it is a mistake in a forest to thin out a number of trees in it. There isn't any question about that at all.

Q. Did you notice the extent to which the trees, — the hard-wood trees, at least, — were pruned as well as thinned?

A. Yes, sir. I noticed that they were pruned.

Q. Whether, as far as your observation goes, that was not an improvement or did not result in the improvement of the trees?

A. That is a question in my mind, whether it is an improvement or not.

Q. You mean, from the artistic standpoint?

A. Yes, sir.

Q. I mean, as far as the growth of the trees is concerned?

A. As far as the growth of the trees is concerned, there is no question that it vastly improves the growth of a tree to cut down trees around it; but, from an artistic standpoint, it often ruins it.

Q. You spoke of the soil of the Wilderness, back of your house; it is poor and rather rocky, isn't it?

A. Yes, sir.

Q. And that whole section of the park is underlaid with ledge, isn't it?

A. Yes, sir; there is an indigenous growth which has been there a good many years.

Q. There is very little soil there?

A. Yes, sir.

Q. And below what little soil there is, is rock?

A. Yes, sir.

Q. Whether or not you ever knew or heard what was the character of the original growth that covered that part of Franklin Park?

A. As a main thing, it was rather a small and scrubby growth of trees, apparently thirty or forty years old.

Q. That is, the growth you noticed there when you first noticed that part of the park?

A. Yes, sir.

Q. My question was, whether you knew what the original woods were?

A. No.

Q. The first growth you noticed there was simply a scrubby growth. Was it of hard wood?

A. Yes, sir; I should say it was. I should say it has been there since I have been around there and had any knowledge of it at all, except as they have cut out and changed trees in it.

Q. And whether or not in the natural state hard wood would have been found growing in that part of Franklin Park?

A. I don't know whether it was a natural or an artificial growth.

Q. Would you say it was second or third growth?

A. Perhaps third or fourth — perhaps fifth.

Q. And perhaps even more remote?

A. May be the tenth growth.

Q. My question is, whether, before the woods were first cut, you would have expected to find a growth of hard wood on the ledges, in those woods in Franklin Park, or whether you would have expected to find a coniferous growth?

A. Well, according to the conditions along through there, it would be a coniferous growth, undoubtedly.

Q. And when the trees were cut down their place would be taken by hard wood trees?

A. That is the result in New England pine forests, that their place is taken by hard wood.

Q. Isn't that the trouble with the Wilderness in Franklin Park to-day, that the wrong kind of trees are growing there?

A. The trouble there is that the walks, as I knew them four or five years ago, were shady, and they are not now shady.

Q. I am speaking not of the natural features, but isn't the trouble in the Wilderness to-day that the trees are deciduous, or hard wood trees, instead of those that would grow there in a state of nature?

A. I don't think it was a hard wood growth there in the first place.

Mr. MATTHEWS. — I don't think of anything more. I would like to have some more witnesses produced with whom we can agree so fully.

The WITNESS. — I am glad to agree with you in many respects. Still, I adhere to my opinion that the artistic features of the park at the present time are and have been very much injured by the cutting out of interesting clumps of trees.

Q. (By Mr. MATTHEWS.) One question in that line — don't you remember that a great many trees were cut out for landscape purposes, good or bad, between 1883 and 1887?

A. That is one of the things I criticise most severely. For instance, one of the most beautiful views of the hills of Milton is now concealed by an overhanging shadow of trees. They have built up a clump of trees and an esplanade, which cuts off that view.

Q. And you now look over stone steps, instead?

A. Yes. That is one of the things that I criticise most severely. It should not have been done.

Q. But it was done ten years ago or more?

A. Yes, sir. It has been managed as well as it could be.

Q. (By Alderman GERRY.) At the same time, Mr. Dole, while there might have been some things done ten years ago that did not meet the approval of your artistic eye, you still aver that in the last five years a great many trees have been cut out, do you not? In other words, do you or not consider that the plan and the idea that has prevailed in that respect, we will say within the last five years, has been rather extreme than moderate?

A. Yes, that is my idea, most strongly — that it has been overdone, the cutting of trees, right along, from the standpoint of the arboriculturalist, to the sacrifice of those who love the artistic.

Q. (By Mr. MATTHEWS.) Let me ask a question that Dr. Gerry's question suggests. You understand, of course, that different methods are adopted, from the purely arboricultural standpoint, for hard wood trees than for pine and other coniferous trees?

A. Of course — can't help it.

Q. You understand that Professor Sargent has taken sole control of the Arboretum since it was first acquired, as representing Harvard College?

A. Yes, sir.

Q. Was your attention ever called to the bank of hemlocks in what was formerly known as Bussey Woods?

A. Yes, and that is one of the beauties of it, and I have been expecting to see it cut.

Q. But you haven't, have you?

A. No, sir; fortunately.

Q. And you haven't seen any cutting there?

A. No, sir.

Q. And yet that has been under Professor Sargent's personal direction for almost twenty years, hasn't it?

A. I suppose it has. It would be most conceited on my part to criticise Professor Sargent in his management of trees. He is an arboriculturalist of experience and — I won't say what I have heard said; but it would be very conceited on my part, who know a tree only from the standpoint of one who loves it, to criticise everything he has done. But if my dearest friend made a mistake in cutting a tree that he should not have cut, I would say to him "My friend, you have cut the wrong tree;" and I would go to Professor Sargent and say, "Much as I admire you for your scientific attainments, I have often loved to sit here in the shadow of that tree, and I am sorry that you have cut it down." In sight of my house there was a beautiful growth of trees, forming a beautiful arbor. The gods would have come there, I am sure, in the ancient days, and built a temple to themselves —

Q. Pines?

A. Yes, sir, — very high pines. The crows used to settle in them, and when you would get into that little place you would not know but what you were miles away from anywhere.

Q. How long ago was that cut away?

A. Within two or three years, I should say.

Q. You don't find anything to criticise in Professor Sargent's treatment of the hemlocks in the Arboretum?

A. I don't know about that — I know I admire them.

Q. You admire the way that he has not cut them down?

A. Yes, sir; but I do not admire the way he has cut trees down in other places.

Q. Well, you give him credit for something?

A. The hemlocks are all right.

Q. But you don't care about his management of hard wood trees?

A. I don't care whether they are hard or soft wood, or any other kind, provided he does not destroy a clump of trees that I think should not be destroyed.

Q. Your whole objection to what you understand to be the system of tree cutting in the Boston parks is not from the arboricultural standpoint, but simply from the artistic standpoint?

A. From the artistic standpoint entirely. I would rather have the arboricultural standpoint sacrificed than to have an artistic effect spoiled for the sake of getting a little more perfect tree.

Q. Would you apply that principle if, in five years from now, you should find an infinitely better growth of timber and be able to derive an infinitely greater amount of enjoyment from the parks, because of the trees having been properly pruned and cut from the arboricultural standpoint?

A. I should doubt that result very much. I should say that in certain parks, as in some European parks, trees growing at a certain distance from one another, with each limb at its right angle, giving it the appearance of an English park, would be all right. But other parks —

Q. Pardon me for interrupting you there — that English park idea has not been carried out anywhere in Franklin Park, has it?

A. I don't say so, exactly.

Q. There is not a single specimen tree grown there.

A. My point is simply this. I was brought up in the woods of Maine, and the wild woods appeal to me extremely, and I used to see something like the wild woods in certain parts of Franklin Park. Now I don't know where they are. It is very much the same in other parks — the Middlesex Fells, for instance; I used to walk around there with Mr. Frank Atwood. But now it has changed.

Q. Since the Metropolitan Park Commissioners have taken hold of it, or since the Gypsy Moth Commission has been at work?

A. Well, there is an example of borrowed money being wasted, because if you should give $500,000 or a million dollars to the little Italian boys of Boston, for bringing in the gypsy moths, they would find them, and the gypsy moths would be exterminated, without the loss of a tree, and at a saving of millions in expense. In fact, I don't know but what they would have been destroyed by natural means. I used to walk around the Metropolitan Park with Mr. Frank Atwood, who now lies, unfortunately, on his death bed, and he and I agreed in almost all respects in regard to the artistic method of treating the trees in the parks.

Q. That was a great many years ago?

A. Oh, yes, sir — and so with Mr. Enneking, and others. I have walked around through the parks with a great many

artistic people. I am not an artist myself. I have simply the untutored eye of one who loves nature.

Q. You wouldn't claim that the woods in Franklin Park are natural woods?

A. I think they were natural, opposite my house. They came up naturally. The young birds from the south nested there, and now they don't. The underbrush has been cut out.

Q. Don't you think the blasting in the immediate vicinity has had something to do with the birds going away?

A. I don't think so, very much. I think very little. Of course, the building of a road there would naturally tend to drive the birds away for a little while; but five or six years ago scarlet tanagers were there, and I could look out of my window and see twenty or thirty gray squirrels. Now there is not one.

Q. Whether you do not understand that the number of birds in Franklin Park has multiplied exceedingly in the last ten years, and that there are more to-day, taking the park as a whole, than there ever were before?

A. My oldest boy is very much interested in birds, and goes out every morning before breakfast to see the birds. There are at Franklin Park — or will be within five or six weeks — a variety of birds. But they don't stay — they pass beyond. The scarlet tanager that nested in front of my house no longer nests there, and the wren that nested there no longer nests there. There are nothing but sparrows.

TESTIMONY OF ROSWELL S. BARROWS.

Q. (By Mr. LUNDY.) Your full name?

A. Roswell S. Barrows.

Q. Where do you live?

A. Thirty-two Burroughs street, Jamaica Plain.

Q. You are pretty familiar with that neighborhood, with the part of the park system out there?

A. I think I am.

Q. What can you tell us about the stone walls out there?

A. Well, I would like to tell my little story — speaking of stone walls — if I may be allowed to do so, because it leads up to the stone walls.

Mr. MATTHEWS. — Which stone wall is this, Mr. Lundy?

The WITNESS. — Well, most of the stone walls.

Mr. LUNDY. — Exactly.

The WITNESS. — Most of the stone walls of the last year or two years. What I wish to say is simply this, that it seems to me that the stone walls that have been built have

been useless at this time, especially when it has been so hard to get money through the Legislature for improvements. I was impressed the other day with what Mr. Matthews said about the great deal of money that we have already borrowed and have used. We might have got along without it, and especially in building walls, and this comes right down to the park system. It seems to me —

The CHAIRMAN. — Mr. Witness, I want to say to you just one thing, so as to save time and get at the point as soon as possible. If you will state what you know, of your own knowledge, what you have seen in relation to the conduct of the park system, we will get along quicker, and will save some time.

The WITNESS. — I was getting to that. It seemed to me —

Q. (By the CHAIRMAN.) The general management, as you put it, of the park system?

A. Yes.

Q. Destruction of property, or anything like that?

A. I was getting to that. That is a thought which I will come to right off. Last year, if I remember right, the Legislature authorized the borrowing of five hundred thousand dollars, to be used in the park system, and it seemed to me that last year — especially last year — there was never a greater amount of money wasted, spent needlessly, for such work as the building of the stone walls, which, perhaps, in some parts of the park might have been advisable, but, on the whole, I think that we could have got along without them. There was thousands and thousands of dollars needlessly wasted, when the money was needed for other purposes. There are some sections where the stone walls perhaps are needed as retaining walls. The wall on Prince street, possibly a low wall might have been needed, but they have gone to work and put a high wall there which, to my mind, damages the estates abutting the Parkway, and it really shuts the people off from getting any benefit from the Parkway, driving along Prince street. You cannot drive along Prince street and look on to the Parkway. I don't think the Park Commissioners have a right to treat the Parkway in that way, shutting the people out. Also the walls along Seaver street are treated about the same way. The people going along outside the wall have no benefit such as would come from looking on to the Parkway. It seems to me that wall was entirely needless. The wall on Sigourney street it seems to me was entirely needless. The Parkway was very nice as it was. It was very nice for people to step on to that Parkway, people living in that section and others, and to my

mind there was no objection to that whatever. The walls along Morton street, some of those walls were needless; possibly along Canterbury street those walls were needed as retaining walls. At the same time, I don't think they were needed at this particular time, when money is needed in other directions in the park system. There was a little wall built along Pond street, a little retaining wall, and the people of that whole section there thought it was a waste of money. I think it was, myself.

Q. (By Mr. LUNDY.) You heard, Mr. Barrows, Mr. Dole testify about that flag-pole in Franklin Park?

A. Yes, sir.

Q. Do you know anything about that beyond what he has said?

A. To my mind it was a mistake, a grave mistake, to take the flag-pole away from the Playstead in Franklin Park. It served to beautify the Playstead; it served as a landmark, and it served, you may say, to instill patriotism into the minds of the children who played on the park. It was one of the prettiest features, I think, that we had on the park. The absence of it is now commented upon a great deal. I have had a great many people speak to me about it.

Q. Well, you do not agree with Mr. Dole on that, then, that it was not a pretty sight there?

A. I didn't catch that from Mr. Dole. If that is what he said, no, sir; I don't.

Q. Now, is there anything else you know about that?

A. I think that covers all about the flag-pole.

Q. Now, to go to the shrubbery about the park, have you noticed any destruction of that or any changes in it?

A. Well, I won't say anything about the destruction — I would like to speak about the immense lot of shrubbery that has been placed in the parkways and about Jamaica Pond, and in places where, it seems to me, we could have got along without it. I think that, in the last two years especially, there has been a very large amount of needless shrubbery, that, in fact, it has injured our parks and parkways. Take it about Jamaica Pond, that used to be a place where people could go out, where bicyclists could go out and frequent the banks of the pond and the driveway, feeling that the park was for the people. They have gone to work and placed a great deal of shrubbery along there, and have actually driven the people out of it. That has been the case in a great many sections of the park. It used to be a park for the people, but now, it seems to me, it is a park for the Park Commissioners.

Q. Have you ever filed any protest with the Commissioners upon any of these complaints? Have you ever written any letters to them?

A. I don't know that I have, no, sir. I attended a hearing in regard to putting the wall up on Sigourney street. I said just a few words there. There is another thing about the walls: I have noticed that they have not only placed a large number of walls around, but the openings are very infrequent. Take it in many sections, you can go almost a quarter of a mile before you can get on to the park. I have heard many people speak of that.

Q. Do you remember who appeared in opposition when that hearing was given on that wall?

A. The hearing on the wall on Sigourney street — there were a very large number of the surrounding neighbors there.

Q. Protesting against it?

A. Protesting against it — nearly everybody in that immediate district that it affected.

Q. Who recommended it?

A. Who recommended the wall?

Q. Yes.

A. At that time?

Q. Yes?

A. I didn't hear of anybody.

Q. Now, Mr. Barrows, do you know anything about any stone steps, removed or changed?

A. I have noticed recently that, about the time they were removing the wall on the pond, they have been removing stone steps which seemed to run up to paths that seemed to be necessary. But they have taken them out, have gone to the expense of taking them out. I don't know what they have replaced them with. I noticed the other day the stone was all gone and that there was a path up some five or six feet above. Why they took them out I don't know. I don't criticise changes so much if we have got the money for them sometimes; but here is a case where we are struggling for money, and, to my mind, the Park Commissioners are wasting it.

Q. Well, from your personal observation, would you say there had been a waste of money in certain work done by the Commissioners?

A. A needless expenditure of money for the last two years, especially the last year.

Q. Do you know anything about the condition of the roads that have been recently built — what their present condition is?

A. Only in a general way. Their present condition seems to be good.

Mr. LUNDY. — I think that is all.

Mr. MATTHEWS. — I have no questions.

The CHAIRMAN. — Any further questions? (No response.) That is all, Mr. Barrows.

STATEMENT OF WILLIAM HENRY WINSLOW.

(Mr. Lundy, at this point, called Mr. Winslow, who came forward.)

The CHAIRMAN. — The witness will raise his right hand, and I will administer the oath.

Mr. WINSLOW. — I decline to take an oath.

The CHAIRMAN. — Does the witness refuse to be sworn?

Mr. WINSLOW. — I will make an affirmation. I don't believe in oaths.

The CHAIRMAN. — You will affirm, then?

Mr. WINSLOW. — I will. I will speak the truth, the whole truth and nothing but the truth, so far as I know.

The CHAIRMAN. — You will affirm, then, under the pains and penalties of perjury?

Mr. WINSLOW. — Yes, I will.

Q. (By Mr. LUNDY.) Your full name, Mr. Winslow?

A. William Henry Winslow.

Q. And you live where?

A. On Perkins street.

Q. What is your business?

A. An architect and writer upon art.

Q. Now, you are more or less familiar with the park system?

A. Yes. I have become so since the parks have come into my neighborhood.

Q. Now, for the past three years, Mr. Winslow, what have you noticed in the nature of changes, removal of trees, grouping, and so forth?

A. I have noticed continual changes, and changes which were re-changed and re-changed again. There seems to be a total want of consensus among the persons who are responsible for the park management. If one is right the other is wrong; if the one is wrong, the other is right, apparently, so far as I can see.

Q. You think it is possible, then, that somebody there is right, under the present conditions?

A. Yes; it is possible that somebody may be right, but I should be very much puzzled to tell who the person was who had acted rightly.

Q. Now, did you notice the park system when it was under the direction of Mr. Olmsted?

A. Yes, I think so. I am not prepared to say — I don't really know exactly at what time Mr. Olmsted's connection with the parks ceased, or that of his firm. Mr. Olmsted, as we all know, has been incapacitated from doing anything for a great while, and when he first lost his grip on this matter and other matters I don't know. Knowing that the man is a very sick man, and has been, of course, I haven't asked any questions. The question has no practical bearing, perhaps, but we all know that he has been practically incapacitated from any sort of business for quite a long time, and, of course, Mr. Olmsted is one thing and his firm is another.

Q. Well, you understand that the present changes, or the changes that are being made from day to day in the Park Department, are made upon the suggestion of Professor Sargent, don't you?

A. I have always inferred, and have been told by people who ought to know, that he is the power behind the throne, a phrase that I have been in the habit of thinking of when I have spoken of him, because we all know what that phrase signified in old times.

Q. Can you single out any change that has been made in the last three years, Mr. Winslow, in the parks there — any part of the park system that struck you as being inartistic or wrong in any way?

A. It would puzzle me greatly to pick out anything that has been done that I should consider to be thoroughly artistic and in the line of common sense. Of course, I don't say that there are no such things, but the general management of the parks has seemed to me to be lacking in taste and in common sense, and in such judgment as a man would naturally use if he were doing work for himself on his own grounds, in the most economical manner. Of course, the point as regards the alteration in the shore of Jamaica Pond, and more particularly what has been done at Ward's Pond, where a series of experiments has seemed to have gone on, have struck us. I believe I am not allowed to say what Mr. Sargent has said to me. That has been ruled out, I believe, hasn't it?

Q. I should say that you might say what he said to you. Did you speak to Professor Sargent upon the subject?

A. I spoke to Professor Sargent on one occasion as regards Ward's Pond, and I spoke with a good deal of feeling and some disgust as to the alteration of that pond, the filling up of land adjacent to the pond, and the making of what I call a lot of little fish ponds adjacent to the pond — not a part of

it, having no connection apparently with the pond, and being consequently, very unsightly. As I say, the work was done apparently without any reason whatever, and I was feeling a little sore about that and about other work in connection with Jamaica Pond, and Professor Sargent assured me, as I recollect, that the Commissioners did not approve of that — the Commissioners for the time being, of course, — that they did not approve of those puddles, and they would be done away with. They have been done away with since then; but, at the same time, Ward's Pond has been reduced by throwing in gravel, loam or what not, all around the edges of it, so that on the whole area there which was largely covered formerly by Ward's Pond — not entirely, but largely covered by Ward's Pond — there now seems to be as much gravel or loam or earth as there is water. There is about as much soil of one sort and another there as there is water at present. Of course, we have waited, and still wait, with patience, thinking that we do not know as much as these experts, and trusting that our eyes deceive us and that later on we shall find some of these prodigious improvements that the Commissioners have cheered us up by telling us lay in the future.

Q. How long has this change been going on?

A. In Ward's Pond, you mean?

Q. In Ward's Pond, yes.

A. Well, I should say about two years. I am not going to be particular about dates, because I am a man whose memory is not very reliable as regards exact dates. I have to refer to my minutes in such matters. But I should say it was between one and two years. We had a hearing, our neighbors at Jamaica Plain had a hearing, at Pine Bank just about two years ago, and I think at that time, if I remember rightly, the puddles either existed or were in process of being created. I will not be sure about the date.

Q. Did Professor Sargent tell you what his idea was originally in creating those puddles?

Mr. MATTHEWS. — I beg counsel's pardon. Professor Sargent did not create the puddles.

The WITNESS. — No. Professor Sargent apparently agreed with me that they were obnoxious. Is it proper to say what occurred to me in this connection, after Professor Sargent said this to me?

Mr. LUNDY. — Yes.

Mr. MATTHEWS. — He is testifying to what occurred to him at the time, because of what somebody else said?

Mr. LUNDY. — Yes; that is just what he is doing. He is here to-day, as I understand it, to give an opinion.

The CHAIRMAN. — I think I would confine myself to what I knew personally myself, and not express the opinions of anybody else.

Mr. LUNDY. — Well, he is about to do that now, Mr. Chairman.

The WITNESS. — I beg pardon. I was about to say that I either said to Professor Sargent, or I may have said when I went home to my own family, that it gave me a certain satisfaction to hear Professor Sargent object to certain things which seemed to me objectionable, as regards the doings of former Commissioners; and then I think I said — I don't know whether I said it to him, made the remark to him, that I was gratified that he should happen to be in line with my thought, or whether it merely occurred to me. But I made a remark to this effect when I went home, — I know I had the thought in my own mind at the time, and I think I stated it at the time, I know I did when I went home — I said, "If Commissioners, any Commissioners for the time being, make mistakes which other Commissioners or the expert, the power behind the throne, as I have thought of him, objects to, what will happen to the city of Boston and the taxpayers provided these errors or mistakes or blunders, or what not, which are very costly necessarily — all this sort of park work is costly — if those errors are left, and other costly errors by other Commissioners, or on the advice of another or the same expert, take place? Where will we come out? What will happen to the city of Boston and the taxpayers? They will have a park, it is true, but that park will be loaded down with an infinite series of errors, blunders and mistakes, or what not, perhaps occurring honestly, but still each one of those errors or blunders is left behind, and, however much it is to be regretted, at the time when those blunders are occurring and accumulating, one would hardly undertake to undo them and set them right at great additional expense." I don't remember whether I said so to Professor Sargent, but it would hardly seem that anything I might have said would have any weight as regards his opinion. It does seem, however, as regards the action in connection with taking down the wall, or part of the wall, on Pond street, at the end of Jamaica Pond, that it occurred to somebody that expensive mistakes ought not to be left as mistakes, but should be done away with. It was in the line of my thought that, if the mistakes were left behind, we should have a park full of mistakes, that we should have more mistakes than park finally, in the course of time; we should have a series of cumulative mistakes. On the other

hand, if the mistakes were to be eradicated, were to be obliterated, we would have not a double expense, perhaps, but an immense additional expense, such as we cannot count upon at all, something overpowering. The park system is a very expensive experiment already. We have found it so, and we have not yet thought of the item of keeping this immense system in order.

Q. (By Mr. LUNDY.) What remedy, Mr. Winslow, can you suggest for these defects?

A. That is a very serious question. Of course, I am one man out of hundreds of thousands, so what I say is of very little consequence. I have, however, a very strong opinion about it, and that is, that the whole system is wrong from beginning to end; that the whole system of Park Commissioners, as it stands to-day and as it has stood, is an impracticable and impossible system, one that has not worked and will not work.

Q. Why, is it a fault of the system or the men?

A. Both, I should say. In the first place, we have a system that is tripartite, to use a big word, at present, if I understand the system. As I say, I am not behind the scenes or behind the throne, or very near the throne. I occupied a humble position at the foot of the throne once, and I had enough of that. It didn't come to anything. But this whole question comes to this: We have a Park Commission composed of men who say frankly that they are not experts, that they don't profess to know anything about parks or park systems, about any of the details in connection with parks and how they shall be brought about, or how the parks shall be maintained. That is the position of the Commissioners. They have said, frankly and openly, that they are not experts. They must refer to experts; they must rely upon expert advice — which they have done, undoubtedly, as we all think, and not only experts, but one expert, whom they regard as being, apparently, the one unquestioned expert who is available in this country. This expert, however, we cannot get at, apparently. He is a benevolent, learned man, of great force of character, great executive ability, and a man who has great scientific knowledge of trees. But the question arises, whether he has any particular faculty or power to manage, control or order a great park system, a great people's park system, for the people? — not the private grounds of a gentleman's estate, not an arboretum, even. I am not questioning his ability to manage an arboretum, for I don't know enough to criticise him in that respect; but the question is whether this expert is a proper person to manage a people's park, for

the people, and at an economical expense for a park of that description? I have called it a tripartite body, because possibly the superintendent of the parks is merely a paid employee, who does as the Commissioners tell him. So, possibly, he can be simply regarded as an extension of the Commissioners, their representative, their creature, their organ, their right hand, or what not. At any rate, if the Commissioners are wrong, they say, "We are sorry; we don't profess to know a great deal about the parks or park systems." I think they said so at our hearing at Jamaica Plain — the one I have referred to, that took place two years ago. The superintendent is an employee, receives a salary, and as for the expert, he is a private gentleman whom we don't know officially at all. He has no responsibility. He has taken a great deal of time and pains and has accumulated vast stores of knowledge, for the benefit of the Park Commissioners and citizens at large, and he is entitled to our heartfelt gratitude, apparently, no matter what he does or does not do. Of course, we cannot go to him and say, "We will complain of you, we can't have you, can't stand you any longer," because he naturally says, "I am not paid; I don't care about doing this work." At least, I suppose he says so, although I never asked him. I suppose his position is simply this, "I am doing this as a contribution to the common weal." That is what I mean by the tripartite system — the Commissioners, who do not know, who are not expert; the expert, who has no official status, who cannot be held to any responsibility; and the superintendent, who, as I say, does as he is bidden and receives his salary and works every day about the parks. There is nobody to complain to. If things go wrong, to whom are we to go? What recourse have we? It has been suggested that the Legislature ought not to give the Park Commissioners money again and again, as the one desperate method of stopping this state of affairs. I wish they would try it — I humbly wish they would try it.

Q. (By Alderman GERRY.) Mr. Winslow, there was a hearing, was there not, some two years ago?

A. Yes, sir — January 24, or thereabouts, two years ago.

Q. And you have already said that you presented then a petition from twenty or more citizens?

A. From two dozen citizens — twenty-four.

Q. Two dozen citizens — asking the Park Commissioners to allow a committee of citizens, we will say, to be designated by that committee that was present at that hearing, to advise, perhaps, or meet Professor Sargent, or meet the Commis-

sioners, or meet somebody, in order to point out to Professor Sargent, or to the committee, certain things which they did not agree to that were against their artistic and, perhaps, financial condition of mind?

A. I thought I had the report of that meeting in my pocket, but I don't find it.

Q. Now, is it true that the Park Commissioners absolutely refused to give those citizens any status in that matter?

A. It is absolutely correct. There were two dozen gentlemen of the highest standing, of intelligence, who could not fail to be interested in Jamaica Park matters, especially, because they live near and about the pond. There was the late Francis V. Balch, perhaps the most public spirited citizen Boston has ever had, as those who knew him feel; Dr. Edes, who is a well-known expert, as you know, Doctor; Rev. Charles Dole, the brother of Mr. Nathan Haskell Dole, who has spoken here, a clergyman; there were two gentlemen who lived directly upon the pond — Mr. Gill, who lives upon the pond, right on the parkway, who has been shut off, as he thinks, from the special privileges of the park by a stone wall built directly under his nose, one of the latest stone walls that has been built there, so as to make a sharp line of demarcation between the park and the people near by. As I say, there were twenty-four names, although I only remember these five or six at the moment. I had a cutting of the report of the hearing, in the Transcript, which I wished to refer to, but I don't find it. All these gentlemen most earnestly protested against the work in general, not going into particulars — against the work going on around the park, and they asked, as you say, Dr. Gerry, that, as the Commissioners admitted themselves not to be experts, they should take a few gentlemen into their counsel — not any of these twenty-four gentlemen, but any whom they might be willing to accept, as a sort of advisory board or committee of coadjutors, who should come and give their ideas, who should, of course, be listened to, the consensus of opinion to have some weight with the Commissioners. But the Commissioners said, while they wished anxiously to be instructed and to receive hints, and to have every aid they could have in carrying out work about the parks, when it came to the point and we asked and suggested the appointment of such a committee, if any gentlemen could be agreed upon — we did not dictate, of course, what gentlemen should be asked to coöperate with them in a friendly way in regard to the parks, or that part of the park system — they objected

absolutely. Mr. Stratton wrote a note addressed to me, which was a mistake, because I was only the mouthpiece of all these gentlemen, saying that they regretted deeply that they could not take a committee of citizens into their confidence or coöperate with them in any manner, as we suggested, hoping to solve this question in a friendly way.

Q. And you remember, do you not, among the gentlemen there who protested against the general scheme of Professor Sargent and others —

Mr. MATTHEWS. — I would suggest that the statements or opinions advanced at that hearing two years ago, by gentlemen who are not present here, should not be referred to in this manner, if the gentlemen are alive and can be produced.

Alderman GERRY. — Not dead — very much alive.

The WITNESS. — Perhaps Alderman Gerry wanted to know if I could recall the names of the gentlemen who appeared.

Q. (By Alderman GERRY.) You know Professor William Brewster?

A. Yes, sir.

Q. An eminent ornithologist?

A. Yes, sir. In my opinion, one of the most eminent in this country, if not in the world.

Q. He appeared there and protested?

A. Yes, sir; most vigorously.

Q. And Mr. Enneking?

A. Yes, sir; Mr. Enneking, the artist.

Mr. MATTHEWS. — I protest.

Mr. LUNDY. — He simply said that he protested vigorously.

Mr. MATTHEWS. — And I object to that. The question is not whether he protested two years ago, but whether he does now. If he does now he can come here.

Alderman GERRY. — If he is a sick man, he cannot come. Do you object to my reading a letter at this point?

Mr. MATTHEWS. — I object to any testimony being taken by this committee or listened to, directly or indirectly, that I have not an opportunity, on behalf of the Park Commissioners, to listen to and question the witness upon myself.

Alderman GERRY. — You can listen to this.

Mr. MATTHEWS. — I want it given under oath, and I want the right to examine, on behalf of my clients. That is the right way to do it. The witness, the gentleman on the stand, is giving very valuable testimony from our standpoint; and it saves the time of the committee and facilitates proceed-

ings when witnesses come and state their grievance as this gentleman and his predecessors have done. We are very glad to have them come and testify. But I must object to the introduction of letters from persons who do not come here themselves.

Alderman GERRY. — Do you object to the introduction of expert testimony over a gentleman's name?

Mr. MATTHEWS. — Of course — absolutely. That is worse than the other.

Alderman GERRY. — Of course, I am a member of the committee and I don't wish to be considered one-sided, because I am not. I am in an inquiring frame of mind on this matter and, although in some respects I have opinions, I intend to be fair. But this committee has been hampered by the sickness or removal of various gentlemen whom we would wish to make inquiries of and examine. We have been lenient. I protest, and claim that we have been very lenient in that direction, and I don't see any reason why counsel for the other side should object to anything that is going to help inform the committee or the public mind in regard to this matter. What are we here for if not to obtain expert testimony?

Mr. MATTHEWS. — And we will be glad to have any expert testimony presented. But call the expert.

Alderman GERRY. — I claim that a man's statement over his signature is just as good as his personal appearance.

The CHAIRMAN. — If anybody should desire to send a deposition in, sworn to, I should say it was proper testimony for the committee to receive.

Mr. MATTHEWS. — Not unless an opportunity was given to examine him. Look at Mr. Dole's testimony, for instance. We could not have produced testimony more favorable to the Park Commissioners. Almost every word he said was in favor of the stand taken by the present Board. But supposing he had sent a letter in, or a deposition without an opportunity for me to examine him upon his statement, what a different impression the committee would have received.

The CHAIRMAN. — Well, in that case we would give you an opportunity to be present.

Mr. MATTHEWS. — Well, if I can be present, of course that is different. There would then be a chance to cross-examine, and I would have no objection to that.

The CHAIRMAN. — I don't say you should be present when the deposition was taken, but you could have the same opportunity of visiting that the other side had.

Mr. MATTHEWS. — I should object unless I was present, with an opportunity to cross-examine.

The CHAIRMAN. — Well, if there was a deposition here from anybody who desired to render it, sworn to, I should say it was proper evidence before the committee.

Mr. MATTHEWS. — I would object, unless an opportunity was given for cross-examination.

Alderman GERRY. — Well, I will leave that out for the present. I have not got through asking this gentleman questions. The objection which counsel has raised I don't consider valid, under the circumstances, but never mind.

Q. (By Alderman GERRY.) Do you remember that there was a gentleman named William Rotch there?

A. Yes, I do.

Q. Do you happen to know who he is or was — what his relationship was to anybody who had a deep interest in arboriculture, park management, trees, or anything of the sort?

A. He was residing, of course, in the immediate neighborhood of the pond. I have an impression that he is a civil engineer. What special interest he had in the hearing I don't know.

Q. Well, wasn't he a cousin, nephew or something of that sort, of Arnold, of the Arnold Arboretum? Wasn't something like that stated at the time?

A. I think you are right, now that I remember it. I think he was a connection of Mr. Bussey, who left the land for the Arboretum, for the benefit or use or management of Harvard College.

Q. Well, did he or did he not appear there as a remonstrant?

A. Oh, certainly, as a very strong remonstrant. I had forgotten that. I think he told me himself that he was nearly related to Mr. Bussey. Mr. Enneking, the artist, was present there and he protested very strongly from the artist's standpoint.

Mr. MATTHEWS. — I object to that. The Chairman stated to you that you must not repeat what anyone who appeared there said. I wish you would not do it.

The WITNESS. — Excuse me. I did not understand that I was not to say what persons have said. I did not so understand it myself. If the Chairman has ruled in that way, I wish to obey him. Do I understand Mr. Matthews is right — that merely stating that somebody protested is not allowable at this hearing?

Mr. MATTHEWS. — It is giving a characterization of his testimony, is it not?

The CHAIRMAN. — I think you had better give testimony from your own personal knowledge, and leave what other people said out.

The WITNESS. — I understand.

Q. (By Alderman GERRY.) Was Mr. Enneking there?

A. He was.

Q. Did he protest?

Mr. MATTHEWS. — I object.

Alderman GERRY. — I take that back.

Q. (By Alderman GERRY.) Was he among the remonstrants?

A. He was.

Alderman GERRY. — Is that a proper question?

The CHAIRMAN. — I am inclined to think that the witness should tell the number of people who were there, entering their protests, without going further into it.

Mr. MATTHEWS. — The trouble is, you don't know what they said, of course. If they should come here, you might find out their testimony would be of the same nature as that of Mr. Dole, for instance, and we would be glad to rest our case on Mr. Dole's testimony. These people should be brought here. A statement of what they said at that time should be made here now. The Park Commissioners cannot be convicted of anything, however trivial the charge may be, simply upon the production of the names of persons who are said to have appeared at a hearing and objected to certain things two years ago. The people should be brought here. Let us have them here, and hear what they have to say.

Alderman GERRY. — Do you believe in the reports in the public press of such meetings, or meetings of any kind?

Mr. MATTHEWS. — Well, I would want to see them before they go in.

Alderman GERRY. — (Producing clippings.) Well, here they are. I will put them in as exhibits, if Mr. Matthews will allow it.

(Mr. Matthews examined the clippings.)

The CHAIRMAN. — Are you through with the witness?

Alderman GERRY. — I am through with the witness. He is your witness, Mr. Matthews.

Cross-Examination.

Q. (By Mr. MATTHEWS.) Who were suggested as proper persons to act upon this committee?

A. I beg your pardon?

Q. Who were suggested as proper persons to serve upon the advisory committee you wanted the Park Commission to appoint?

A. We didn't go as far as that. The Park Commissioners refused to listen to our suggestion at all, — we really made no suggestion, merely said that if —

Q. Are you sure that no suggestion was made?

A. I am sure, as far as I am concerned, that I made no suggestions whatever.

Q. Wasn't your own name suggested?

A. Not that I am aware of.

Q. Weren't you to be on that committee?

A. I had no such thought in my mind — no such thing was suggested to me, neither did I think of it — nor, had it been suggested, would I have served on the committee.

Q. Don't you know that three names were handed in by these gentlemen of persons to serve on the committee, of whom you were one yourself?

A. No. I had nothing to do with it whatever.

Q. You said you acted as their mouthpiece?

A. I acted as the mouthpiece of the petitioners.

Q. My question is, whether the petitioners themselves did not make a special request of the Park Commissioners to appoint three special ones as a committee, of whom you were one?

A. Not to my knowledge.

Q. Well, you weren't appointed, were you?

A. No.

Q. What was the date of this hearing?

A. January 24, I think.

Q. What year?

A. Two years ago, as I have said repeatedly. That was, of course, 1898.

Mr. MATTHEWS. — (Referring to clippings introduced a short time ago by Alderman Gerry.) What paper is it taken from?

Alderman GERRY. — The Jamaica Plain News.

Mr. MATTHEWS. — Can you give the date?

Alderman GERRY. — Well, the Saturday following that hearing.

Q. (By Alderman GERRY.) Do you remember what date that hearing was on?

A. I think January 24. I am pretty sure it was.

Q. What day of the week?

A. I don't remember.

Alderman GERRY. — It was the middle of the week, I know.

Mr. MATTHEWS. — Well, it was in the month of January, 1898?

Alderman GERRY. — Yes, sir.

Mr. MATTHEWS. — And what was the paper?

Alderman GERRY. — The Jamaica Plain News.

Mr. MATTHEWS. — Well, we have no objection. It may enter into the case.

Alderman GERRY. — This must have been January 27, 1898, I think. The paper is published Friday, so that must have been the previous Wednesday, probably.

(The clippings referred to were marked "Exhibit 57," and will be found at the close of the day's hearing.)

Q. (By Mr. MATTHEWS.) You said something about these little fish ponds or puddles near Ward's Pond?

A. Yes.

Q. Said you objected to them, didn't like them?

A. I did not.

Q. And Professor Sargent agreed with you?

A. Yes, sir; I think so.

Q. Now, do you know how those fish ponds or puddles happened to be built?

A. No.

Q. Did you ever inquire?

A. No.

Q. You mean to say that you have come here to testify against the Park Commissioners or Professor Sargent for the maintenance of those fish ponds, without having ever made any attempt yourself to find out the origin of those ponds?

A. I do.

Q. Don't you think it would have been the proper thing for you to do, first?

A. I do not. I objected to them on æsthetic grounds particularly, and my experience is that it is extremely difficult to find out what the Commissioners are doing or why they do anything.

Q. Did you think of looking at the printed annual reports in the Park Department?

A. I don't know whether I looked at the reports or not.

Q. Don't you know that the whole history of those fish ponds is in those reports from year to year?

A. I did not.

Q. You didn't look them up to find out?

A. No, I didn't.

Q. That is all you can say about it?

A. That is all I can say about it.

Q. You don't think it would have been the proper thing for you, before criticising the Park Commissioners, to find out what their predecessors in office have said about the ponds?

A. I don't think it would have anything to do with the question from my standpoint.

Q. It would have nothing to do with the question from your standpoint?

A. No.

Q. You don't care who were responsible for those ponds or why they were built?

A. No, I do not.

Q. You have simply come here to criticise?

A. I have.

Q. I ask you this — did you ever see Mr. Olmsted's original plan for Leverett Park?

A. I think I have that at home. I have seen it.

Q. These fish ponds are not in it, are they?

A. I think not.

Q. How long was it after Mr. Olmsted's original plan for the development of Leverett Park that the fish ponds were inserted?

A. I don't know.

Q. Do you know why they were inserted?

A. No.

Q. Have you ever seen anything about a proposition made by the Society of Natural History to the Park Commissioners of Boston?

A. I have.

Q. What was that?

A. I don't remember. I merely vaguely remember that something was said or done.

Q. Don't you know that they made a written proposition to the city of Boston to raise a lot of money and maintain a series of ponds, as a fresh water aquarium, if the Park Commissioners of the city of Boston would build them?

A. No, I had forgotten that fact, if I knew it.

Q. Well, don't you know that, in reliance upon that promise, the city of Boston, through its Park Commissioners, built these ponds?

A. No, I didn't know it.

Q. And that the plan that Mr. Olmsted made was changed, by reason of that suggestion from the Boston Society of Natural History?

A. No, sir; I didn't know it.

Q. And you don't know that afterwards the Natural History Society abandoned the plan?

A. No.

Q. Informing the City Government of Boston that it couldn't raise the money?

A. No.

Q. You are not aware that the whole scheme was given up?

A. No.

Q. Are you aware that the city and the Park Department then found these ten ponds on their hands?

A. No.

Q. They were there?

A. Yes.

Q. They were deep?

A. I don't know — I never gauged them.

Q. Did you ever hear that they were dangerous to children playing in the park?

A. No, I didn't suppose they were any more dangerous than Ward's Pond or any other pond there.

Q. Well, there were ten of them, weren't there?

A. Well, possibly; I never counted them.

Q. And they were built for the accommodation of fresh water fish to be maintained at the expense of the Natural History Society?

A. So you say. I don't dispute it, of course.

Q. Now, what do you think ought to have been done with those ponds after the Natural History Society informed the city that it could not carry out its part of the bargain?

A. I wish you would ask me what I think should have been done at the time when they asked that this thing be done.

Q. What do you think ought to have been done when the city found itself with ten fish ponds in its hands and no fish — in your opinion; I am simply asking for your opinion?

A. Of course. I wish you would ask for my opinion a little further back, that is all.

Q. Answer my question and I will ask you about that afterwards; or, if it will accommodate you, I will invert the order of the questions, and ask you what you would have done in the first place, when the proposition was made by the Boston Society of Natural History?

A. Of course, I don't want to be discourteous. I don't wish to answer that off-hand.

Q. Well, I think you suggested the question?

A. Yes; and I am perfectly willing to answer, after a certain amount of thought.

Q. Very well?

A. I should say, that, those fish ponds having been thrown back on the city, the obvious course was to fill them up.

Q. And that is what was done?

A. Yes, sir.

Q. And you agreed with Professor Sargent in his position on that matter?

A. I did. That is what I said to begin with.

Q. And you haven't any fault to find with his advice on that point?

A. Certainly not. It was obvious that, if you had those fish ponds and no fish, the proper thing was to fill them up. Now, may I say something further?

Q. You have entire liberty to do so?

A. I should think the city of Boston put itself in rather a bad attitude in the matter — making fish ponds and getting things out there into bad shape, without any agreement and any assurance that it should have the fish.

Q. I don't think anybody will dispute that proposition.

A. I am not here to criticise any special set of men. I say the whole thing seems to me to be a muddle — doing and undoing things without any sufficient thought.

Q. Do you know what year these ponds were begun by the Park Department of the city of Boston, at the instance of the society?

A. No, sir; I have just said that I did not.

Q. It was some ten years ago, wasn't it?

A. I should say so, undoubtedly.

Q. You have said something about Ward's Pond?

A. Yes, sir.

Q. But you don't know what has become of the water level of Ward's Pond since this was done?

A. You refer to the reduction, lowering of the level of the pond.

Q. Yes; if you have any knowledge on that subject.

A. Only what I have seen.

Q. What have you seen in that regard?

A. I should say that the water level was reduced considerably.

Q. And that made it difficult to keep these ponds near the outlet filled with water, didn't it — these small ponds?

A. I should think so.

Q. So that the city then found itself, or found itself recently, with ten fish ponds on its hands and without any fish, and for a large part of the year without any water?

A. Yes. I should think that is a thing that might have been contemplated long before by anybody who was an expert.

Q. That is, you would blame the persons who were responsible for the construction of those ponds for the draining of Ward's Pond, originally?

A. Yes; if I blamed anybody I certainly should blame them. A great deal of water has been running to waste there, of course. They built two stone bridges there, and,

of course, had to have a stream running under them from Ward's Pond. I couldn't see what the bridges were for except to run a stream under, or what the stream was for, except to have the bridges over it.

Q. But when the stream ceased to flow there was no use for the bridges. Isn't that so?

A. Precisely, but why build the bridges, when this could have been foreseen.

Q. Do you know when the bridges were built?

A. No, although I saw them built. I should think it was three or four years ago.

Q. As a matter of fact, they were built in 1893?

A. Well, I have just said I didn't know. I don't remember when they were built.

Q. See if I don't state your position correctly — that there has been a mistake made about these ponds and bridges and things connected with them, but that the mistakes are attributable to the Park Commissioners or persons connected with them, or the City Government, responsible for the construction of those ponds, at that time?

A. I suppose so. But that does not touch what I have said about repeated mistakes.

Q. Well, if you make a bad mistake, in accordance with what you said a few moments ago — if you make a mistake and get into a scrape, the best way is to get out of it?

A. Granted, but why get into these scrapes?

Q. Well, if they were investigating the Park Department of seven or eight years ago, that might be another question?

A. I am speaking of the system. I don't profess to be an expert, as I said.

Q. Yes, but the system you complain of as regards Ward's Pond and these fish ponds is that the initial mistake was made of having the fish ponds constructed at the instance of the Boston Society of Natural History, and in the face of a possible lowering of the water there?

A. That would be my ground for objection on that point. Ward's Pond is being filled up to-day apparently — I don't know the reason for that.

Q. You understand, of course, that this is the high water season of the year?

A. Yes, but I mean by reason of dumping gravel, loam, what not, all around it, great quantities of earthen matter.

Q. You don't understand that the area of Ward's Pond has been limited, do you?

A. To the eye it appears immensely so. In addition to what I call puddles, it appears to me that the area of the pond has been diminished a third.

Q. That is a matter of exact measurement, of course?

A. Yes.

Q. Have you asked anybody who knows about that, who has measured it?

A. No, but as an architect I can tell by the eye where there has been a reduction, to a considerable amount, in the area of a body of water. I don't say how much.

Q. You want the committee to understand that, in your opinion, the area of Ward's Pond is less to-day than it was seven or eight years ago?

A. I should think so, decidedly.

Q. But you haven't any figures to give the committee?

A. No, sir. It isn't my place to get the figures.

Q. Would you be surprised to find that the area is more?

A. Yes. I understand that the water at the present time is being pumped out of it.

Q. I am not speaking of the water level now, but the area of the pond.

A. I beg pardon. I am speaking of the water level.

Q. The area of the pond might be reduced by lowering the water level, as well as by filling in?

A. Yes. Some of us have conjectured that perhaps Ward's Pond is to be wholly filled with earth and planted with small shrubbery.

Q. You have spoken of Mr. Sargent and his connection with the parks. Have you ever taken any pains to look over the Brookline part of our park system?

A. I have.

Q. Do you know of Mr. Sargent's connection with it?

A. Yes, I understand that he has the control of that system, as advisory expert or what not.

Q. Has had from the beginning, hasn't he?

A. I suppose so.

Q. He has been a member of the Board of Park Commissioners of the town of Brookline, hasn't he?

A. I suppose so.

Q. Always has?

A. I have understood so.

Q. You have said some kind words about Mr. Sargent's reputation as a scientific man, as a man who stands very high in that regard?

A. I should certainly not venture to question that.

Q. He is an authority on tree culture of international reputation?

A. Yes, sir.

Q. And has written several books?

A. Yes, and one monumental work that we all know about, on arboriculture.

Q. On the sylva of North America?

A. Yes. But, of course, that is in a different line from taking part in the management and laying out of a people's park, from my point of view.

Q. But, as a matter of fact, he has had charge of the Brookline parks since they were started?

A. Yes, but I don't know that he has any qualifications for the care of a people's park. A man may be eminent in science, but may not have taste enough to build a handsome house for himself.

Q. But Mr. Sargent not only has this high scientific reputation, which you admit is unequalled, but has had experience as a Park Commissioner of the town of Brookline?

A. Oh, yes.

Q. Do you understand that the people of Brookline complain about the management of the Brookline parks?

A. I have never heard about it one way or the other.

Q. You have never heard any complaints?

A. I never have.

Q. You know he has had charge of the Arboretum since it was established, for nearly twenty years?

A. Yes.

Q. And the greater part of the Arboretum is a park?

A. I myself consider the Arboretum as being on quite different lines from what I call a people's park.

Q. Yes, undoubtedly; but there are some park features about the Arboretum?

A. Oh, yes, sir — some fine spaces, open spaces, graveled paths and driveways.

Q. (By Alderman GERRY.) You are an architect, I understand?

A. Yes.

Q. Now, I would like to ask you if you ever heard that Professor Sargent had any technical training?

A. You mean —

Q. As a landscape architect, in the line which the Park Commissioners purport that he has?

A. What you call a landscape architect, nowadays. That is the phrase?

Q. Yes.

A. I never heard that he had any special training for that profession or occupation.

Q. (By Mr. MATTHEWS.) Let me ask you this question — are you familiar with Mr. Sargent's own place in Brookline?

A. Very familiar with it.

Q. It covers about eighty acres or more, doesn't it?

A. I suppose so. I think so.

Q. It is a park in itself.

A. Yes.

Q. Isn't that one of the show places of the United States of America?

A. Yes. It is managed in a very different way, many of us think, from the public parks of the city, if you will allow me to interpolate.

Q. (By Alderman GERRY.) Mr. Winslow, haven't you understood that that place of Mr. Sargent's was largely originated or perfected — to a certain extent, we will say, if not largely, — by another person than Professor Sargent?

A. It goes beyond that. There was an old gentleman of English parentage who was largely responsible, I always understood, for the layout of that place — a gentleman who preceded Mr. Sargent there, whose name I ought to remember. He was living when I first became familiar with that neighborhood in an old house, not far from the site of Mr. Sargent's present stable, and it was he who first made the reputation of that place, as regards landscape gardening. He preceded old Mr. Ignatius Sargent.

Alderman GERRY. — That is what I thought.

TESTIMONY OF CHARLES E. PUTNAM.

Q. (By Mr. LUNDY.) Your full name, Mr. Putnam?

A. Charles E. Putnam.

Q. Where do you live?

A. Nine Albemarle street.

Q. Jamaica Plain?

A. In Boston, in the city.

Q. You are an engineer in the Park Department?

A. Yes, sir.

Q. How long have you been engineer there?

A. Thirteen years.

Q. And you were at one time acting chief engineer, were you not, before Mr. Pettigrew came?

A. There was never any such title as "chief engineer."

Q. Well, what did they call it — acting superintendent?

A. Acting superintendent, I was.

Q. Well, you filled that position for some time?

A. For about four months.

Q. Now, Mr. Putnam, do you make the estimates for the loam to be purchased?

A. I have made estimates for some loam, but not all of it — a small portion of it.

Q. Well, who is supposed to make the estimates — or is any one man supposed to do it?

A. I don't know about that.

Q. Well, what loam have you made estimates for?

A. I made estimates for the loam at Marine Park in 1898.

Q. Now, did you make any other estimates at that time, during 1898?

A. For loam?

Q. Yes.

A. Not that I remember of, no, sir.

Q. Now, do you know whether or not Mr. Pettigrew does any estimating himself for loam?

A. I do not.

Q. Do you remember building a road around Peter's Hill?

A. I remember when it was built.

Q. Built largely on your plans, wasn't it, or supposed to be built on your plans?

A. It was built principally on Mr. Olmsted's plans.

Q. Principally on Mr. Olmsted's?

A. Yes, sir.

Q. Well, Mr. Pettigrew took part in building it, didn't he?

A. Mr. Olmsted made the original plan, and his plan was followed pretty closely.

Q. Well, Mr. Olmsted wouldn't make any plan as to the road itself, would he?

A. He did, yes, sir.

Q. How it should be built?

A. If you mean the method of construction, of course he didn't. But he made a plan showing the place the road should occupy on the hill.

Q. Do you remember Mr. Murphy having anything to do on that road?

A. Yes, sir.

Q. And yourself?

A. Yes.

Q. And Mr. Pettigrew?

A. Yes, sir.

Q. Now, somebody else took part in the work on that road, didn't he? Didn't Mr. Howe have something to do with it, too?

A. Well, he did on a portion of it. A portion of it was built according to contract. That was built according to Mr. Olmsted's plan.

Q. It has been said here that there were a great many changes made on that road, in the way it was constructed, within a comparatively short distance. Do you know anything about that?

A. Yes, sir; there were many changes made in it. That is not uncommon — it is usually the case on all the roads that are built.

Q. You think they were the ordinary changes, do you?

A. Oh, I know it.

Q. You think they were very ordinary changes?

A. Yes; I should say not more than ordinary. They might be more than common, but not so very much.

Q. This is the road around Peter's Hill. Do you consider that the breaks made in the grade of that road there were the common and ordinary breaks in the grade of a road of that nature and character?

A. The changing of the grades?

Q. Yes.

A. The grades were changed to fit the ground.

Q. Were they actually changed for that purpose?

A. Yes, sir; they were.

Q. And did they actually meet that idea, after the changes were made?

A. Yes, sir; they did.

Q. Then a witness who testifies here that the breaks were uneven and improper, is wrong in your opinion, as an engineer?

A. The grades were wrong.

Q. I say that a witness who has testified that the breaks were uneven — that the breaks in the grade were uneven and improper — that witness was wrong, in your opinion as an engineer?

A. Well, they certainly are uneven, but I don't think that they are improper.

Q. They were intended to be uneven — now, do you know anything about the gutters there?

A. Yes.

Q. What was the difficulty there?

A. I don't remember that there was any special difficulty.

Q. Well, you do remember that they were taken up within a comparatively short time after they were put down?

A. I don't know that. They might be taken up and I not know it, but I don't know that they were.

Q. You don't know that at all?

A. No, sir.

Q. Well, do you remember who built the first gutters?

A. I don't. I couldn't testify to that.

Q. Do you remember that the Gores did anything over there — the firm of H. Gore & Co.?

A. I am not certain, but I think they did.

Q. Did you ever see Mr. Pettigrew mark a grade change?

A. I never did; no, sir.

Q. Did you ever see Mr. Shea?

A. No, sir.

Q. Is it your habit to consult with Mr. Pettigrew upon all the work of the park?

A. Yes, sir; everything of importance.

Q. And during the last three years practically all the work that has been carried out you have had some knowledge of?

A. All the engineering work, certainly. There has been a great deal of other work that I have had no knowledge of.

Q. What is your salary, Mr. Putnam?

A. $6.50 a day.

Q. Now, that is simply taxed up as a salary to the Park Department, isn't it? That is, your time is not divided among the different parks, is it?

A. Yes, sir; it is.

Q. It is? Just as Mr. Pettigrew's is?

A. I don't know anything about his, but I know that mine is divided.

Q. For instance, Mr. Pettigrew's will be divided up, $300 to this park and $300 to that park. Is that the way they divide yours up, or do you get yours differently?

A. No, sir; that is not the way with mine. There is a slip made up every day by an assistant in my office, showing where all the engineering work is done.

Q. Yes?

A. And the amount is charged to whatever park the work was done on.

Q. When did the Olmsteds submit plans last to the Park Department?

A. I don't know.

Q. Well, they have done it within a short time, haven't they?

A. Not to my knowledge. The last plans I know anything about were about three years ago.

Q. About three years ago. Then, you yourself couldn't account for any items from the Olmsteds for 1898 and 1899?

A. No, sir.

Q. What has been the system since Mr. Pettigrew became the superintendent of the parks?

A. The system of what?

Q. I mean in the conduct of the construction work, the engineering work — has it differed any from what it did under Mr. Howe?

A. Not particularly. Simply I have taken my directions from the superintendent, instead of from Mr. Howe, in regard to the laying out of the work.

Q. Talk a little louder, please. Now, is it usual in building a stretch of road to have more than three or four engineers changing the grades and submitting plans to suit themselves?

A. How is that?

Q. Would it be a good system, in building a stretch of road, to have four or five men each submit plans, each making a change in the grade here and there? Is that a good system, or is it system at all?

A. Well, that would not be a bad system, to have a number of plans submitted and select the best.

Q. Yes, but to work upon, Mr. Putnam, after you get started?

A. No, sir; that would be a bad system.

Q. Now, isn't that just exactly what was done in building the road at Peter's Hill?

A. No, sir; I think not.

Q. Well, you marked some changes there, didn't you?

A. I may have marked a few, yes. I made some changes in the grade so that it would conform to the ground.

Q. And you know that Mr. Murphy did that, too, don't you?

A. Yes, sir; made some changes in the grade under my direction.

Q. But you don't know whether or not Mr. Pettigrew or Mr. Shea did? That is what you have said, isn't it?

A. I never knew that they had — would be surprised to learn that they had.

Q. Were they around the work there at all while you were building the Peter's Hill road?

A. Yes, sir; they were there much more than I was. There was one place where I told Mr. Shea that it would be all right — if the engineers didn't get around in time he had better mark the grade down himself. But whether he did or not, I don't know.

Q. You don't know whether he did or not?

A. I don't know. If he didn't, somebody else did — that is all — some of the engineers.

Q. Well, do you understand that Mr. Shea knows how to mark a grade, or is that simple?

A. Well, he would understand how to measure down a stake, of course, and lower the grade, of course, as marked.

Q. Then anybody might have done the actual lowering or raising of the grade?

A. Yes, sir.

Q. On somebody's else suggestion?

A. Yes, sir; that is a very simple matter.

Mr. LUNDY. — That is all, Mr. Putnam.

OBJECTIONS TO LETTERS.

Mr. MATTHEWS. — Mr. Chairman, I think I ought to object to the committee taking any notice whatever of written communications that are sent to the committee by persons who can be produced physically at this hearing. It is not right, it would be objected to in a court of law at once, and it is not fair to the persons who are under investigation by this committee. It is not fair that they should be condemned, or criticised even, upon a written letter from some person who is afraid to come here.

The CHAIRMAN. — To come down to the real facts of the matter, if a deposition of that kind was sent in here, with both counsel present —

Mr. MATTHEWS. — At the taking of the deposition.

The CHAIRMAN. — at the taking of the deposition, and it should come in here, under those circumstances, as a sworn deposition, I should say that it would be admissible here.

Mr. MATTHEWS. — That would be all right, if both counsel were present when the deposition was taken.

Alderman GERRY. — Will Mr. Matthews allow me to say why the gentleman does not care to come here?

Mr. MATTHEWS. — I don't see that it makes the slightest difference. We are entitled, as a matter of common law as a matter of common justice, as a matter of common sense, to meet the witnesses here face to face, and I am not afraid to meet anybody you can produce in the city of Boston who will attempt to criticise Professor Sargent, Mr. Olmsted or anybody else. It will turn out with everyone of them, exactly as it has turned out with Mr. Dole — that if we had known what he was going to say we would have liked nothing better than to call him ourselves. But we cannot be condemned or criticised even, upon an off-hand general statement that the work is not satisfactory. We are entitled to know in what particulars the witness thinks the work is not satisfactory. Suppose, for instance, that Mr. Dole had been allowed to give his testimony in the shape of a ten-line letter condemning the operations of the Park Department — what a totally different impression the

committee would have derived from what it must now have derived, after having seen Mr. Dole face to face and heard his frank admissions on the witness stand. Why, Mr. Chairman and gentlemen, I am simply pleading for common sense, as well as common law. It is an outrage for any member of the committee to receive these letters or communications, anonymous or signed by any person who does not dare to come here as a citizen of Boston and be interrogated under oath, and submit them to his fellow-members. I object to it and protest against it. There is no use in our continuing this investigation if such methods are to be tolerated.

The CHAIRMAN. — I will ask if the counsel for both sides are through with the witness?

Mr. MATTHEWS. — I am — for the present, at least.

Mr. LUNDY. — I understand that there has been a ruling on that letter business — that no such letters are to come in, that nothing but properly taken depositions are to come in.

Mr. MATTHEWS. — Yes. We are not complaining of your position at all, Mr. Lundy. I wish to say now that throughout these hearings brother Lundy has shown the greatest professional courtesy and fairness, and that we have no complaint to make of his conduct of the case — except that occasionally he takes a little too much latitude in asking questions.

The CHAIRMAN. — Of course, if both counsel are agreed, that settles it — we must follow the law. Any depositions that are introduced must come in here after proper notice to both sides, with both counsel present, before they can be accepted. They will then be admitted — otherwise, not.

Alderman GERRY. — Mr. Chairman, I don't know whether what I have said has been legal or not, but I understood Mr. Matthews to criticise me.

Mr. MATTHEWS. — I think quite likely.

Alderman GERRY. — Well, that is all right. I am willing that he or anybody else should, if they want to. But I contend that what I have done in this matter is merely to attempt to bring out the truth, the whole truth and nothing but the truth, and I shall continue to do so. I have made, perhaps, some errors of judgment as regards legal procedure and methods, and things of that sort, but what the citizens of Boston want to know is simply this: Whether the man who is "the power behind the throne," as he has been called, who has been doing certain things in the Park Department, especially in connection with tree culture and the cutting down of trees, besides other things that have been referred to in this investigation, is to be allowed to continue there when the great

body of citizens don't consider that he should be there? I am not going to be driven from that position by bulldozing or in any other way. I want to be understood. Unfortunately, perhaps, nobody knew enough, myself included, not to have me put on this jury. I am very sorry that I was placed here. If I had been kept to one side, I could have occupied a better position, perhaps, as witness, prosecuting attorney, or anything else; but, unfortunately, I am here, and I want it understood that I am going to be fair. I want it further distinctly understood, whether Mr. Matthews understands it or not, Professor Sargent or no Professor Sargent, that there are a large number of landscape architects, if I am informed rightly, who do not, in most of his procedure, agree with him at all, and I happen to have a letter to that effect. I will now put that letter in my pocket, and I will not produce it unless I have a sworn statement here to support it. But I have received it, and there it is. I will now put it away, and it will not see the light of day until I have received a sworn statement. Here is one man doing all this business in connection with the parks. The Park Commissioners will not allow anybody else to come in and give any advice in regard to park matters, even at the earnest solicitation of educated men, such as we have seen here to-day. Of course, Mr. Matthews is a talented and learned lawyer, and understands the twists of the trade as I might understand the twists of the knife. But that is neither here nor there. Let us learn the truth. Of course, he may make me appear foolish in a legal way. I am willing to, however, if I can accomplish any good. That is all I have to say. I have not done anything I am ashamed of, and I do not propose to. I want that understood.

TESTIMONY OF GEORGE F. CLARKE. — *Recalled.*

Q. (By Mr. LUNDY.) Have you thought, Mr. Clarke, to bring in those Bow and Sheldon contracts?

A. I think I have both of them.

Q. Let me have them, please? (Witness handed papers to counsel.) There is also some sort of an agreement about the golf privileges in Franklin Park, is there not?

A. There are no golf privileges in Franklin Park at the present time.

Q. Well, you understand that there is a man in Franklin Park who gives instructions in golf, don't you?

A. Yes, authorized to give instructions in golf; yes.

Q. And the right to play there is restricted to persons who are supposed to know how to play?

A. Yes.

Q. That precaution, of course, is taken for the safety of those playing. Now, whether or not it is a fact that this same instructor sells or deals in golf clubs?

A. He both repairs and sells golf-sticks, yes.

Q. And that, of course, is mentioned in his contract or agreement with your Commissioners?

A. He is simply authorized to give instruction, and I think it also includes the repairing and selling.

Q. And selling of sticks?

A. I wouldn't be sure of that, without looking it up. But my impression is that that goes with it.

Q. Well, you know that nobody else can do any instructing in golf on Franklin Park but this person?

A. I don't know it, no.

Q. Well, you understand it that way?

A. I don't understand it that way.

Q. Well, you understand something about it, don't you?

A. Yes, but not in the way you state it.

Q. What do you understand to be the case?

A. I understand that Mr. Willie Campbell is authorized, and I don't understand that anybody else has applied for any permission.

Q. That is what I am asking for. As a matter of fact, nobody else is authorized?

A. As a matter of fact, nobody else is authorized to give instructions.

Q. Now (referring to document), is this the Bow contract?

A. This is the Bow lease.

Q. This runs from May 15, 1897, to December 31, 1901?

A. Yes. (The lease referred to was introduced as "Exhibit 58" and will be found at close of day's hearing.)

Q. L. E. Bow — do you know Mr. Bow's first name?

A. I don't know that I do, no.

Q. Do you know whether or not he is a resident of Boston?

A. I couldn't say that.

Q. Who drew this lease?

A. It was drawn by Mr. Wheelwright. Mr. Wheelwright was City Solicitor and was also on the Park Board.

Q. This was drawn at the time when he was a member of the Park Board?

A. At the time he was acting as a member of the Park Board. He was an acting Commissioner, appointed by the Mayor.

Q. Now, there is a provision in here which says that from certain hours in the day, between certain hours in the

day this man shall furnish to persons who pay him a price approved by the Board certain things. Now, as a matter of fact, do you know that the Board has ever approved of the scale of prices?

A. He submitted his bill of fare, which stated the prices. I remember that.

Q. Well, you have no distinct idea of how those prices range, do you?

A. No. I think they were reasonable, fair charges. I think they were the ordinary prices.

Q. Do you know, as a matter of fact, that Mr. Bow does check bicycles free of charge?

A. I don't know. His contract calls for it, and I have no doubt he does.

Q. Now, this section here in regard to the playing of music coming under the approval of the Board — that merely exists in the letter, doesn't it? They don't submit any programmes for music?

A. The Board has supervised the kind of music that he shall give there. That is controlled by the Board.

Q. Here is a clause: "If the gross receipts for the season shall exceed $10,000 and not exceed $20,000, pay to the city 5 per cent. on said gross receipts in excess of $10,000 up to said $20,000." Now, who audits Mr. Bow's books for your department?

A. It is done in our office. Our accountant generally does the actual figuring.

Q. That is, Mr Ogden or Mr. Lawrence?

A. Mr. Lawrence.

Q. Have you any idea what was paid to the city last year by Mr. Bow?

A. I think with the deductions the lease provides for in the way of coal for heating and other expenses which are charged against the city, I think there was nothing.

Q. Nothing paid at all?

A. Nothing paid. There was some allowance made also on account of children's bathing, which cut down the amount payable under the contract.

Q. Have you any idea how much floor space Mr. Bow has there?

A. No, I should think it was pretty large — more than he really occupies.

Q. More than he really occupies?

A. That is, I think he shut up one room up stairs and only uses the two lower cafés.

Q. Now, the Sheldon lease?

A. I have a printed copy of the Sheldon lease, which will be more convenient, perhaps, than the written one. (Handing a copy of lease to counsel.)

Mr. LUNDY. — Oh, yes. This, I suppose, will simply take a reference to the committee. It is worth reading. There is one section here on page 99, of the twenty-first annual report of the Board of Commissioners for the Department of Parks, for the year ending January 31, 1896, that I would like to read:

"Said party of the second part, for and in consideration of the above described rights and privileges, agrees and promises to furnish, at his own expense, boats for the purpose of accommodating the visitors to the public parks, for hire." I call that special section to the attention of the committee.

The WITNESS. — In regard to the Sheldon contract, that is not the whole of it.

Q. (By Mr. LUNDY.) That has been amended, has it?

A. Yes.

Q. Well, what is the date of the amendment, Mr. Clarke?

A. May 17, 1898, — or, rather, that is the date of his acceptance of it. I will have to look it up to see exactly. This is the amendment (handing paper to counsel).

Q. Then, some time about May, 1898, Mr. Sheldon went out of the business himself and assigned his interest to the Boston Parks Boat Service Company, of which Mr. Sheldon is a stockholder. That is so, is it?

A. Yes. That is to say, he didn't go out of business himself. He incorporated his business in the company. He is still the manager of the company.

Q. Mr. Sheldon is?

A. Yes, sir.

Q. Who is Washington G. Benedict?

A. He was the President of the company. He is now dead.

Q. Did he live in Boston?

A. He did.

Q. And Mr. Downer?

A. I don't know Mr. Downer. I don't know whether he was in Boston or not. April 4, 1898, was the date you asked for.

The CHAIRMAN. — What do you propose to show, Mr. Counsel, by this?

Mr. LUNDY. — Well, I am going to show that the city in this contract is giving away valuable franchises — absolutely giving them away — and that it was within the administration of the present Park Commission that this extension of the contract with Mr. Sheldon was made.

Mr. MATTHEWS. — It doesn't run out for a year, does it? The original contract runs out December 31, 1900, doesn't it?

Mr. LUNDY. — Well, this is practically a fresh contract. It is the assignment of Mr. Sheldon's rights in a company, of which Mr. Sheldon is the largest factotum, so to speak.

Mr. MATTHEWS. — But the original contract has not run out, has it?

Mr. LUNDY. — No; not until the latter part of this year.

Mr. MATTHEWS. — The original contract was made in 1895?

Mr. LUNDY. — Yes; I offer these.

(The extension of the contract was introduced as "Exhibit 59," and the original Sheldon lease was introduced as "Exhibit 59½." Both will be found at close of day's hearing.)

The WITNESS. — I think that (referring to Exhibit 59) was an acceptance of a vote of the Park Commissioners, merely extending the contract.

Mr. LUNDY. — Yes; that is just what it is — accepting the assignment.

The WITNESS. — Accepting the extension of the time.

Mr. LUNDY. — Yes; the extension of the time.

TESTIMONY OF PATRICK J. KEILTY.

Q. (By Mr. LUNDY.) Your full name, Mr. Keilty?

A. Patrick Joseph Keilty.

Q. Where do you live?

A. 105 Charlestown street.

Q. Are you employed in the Park Department?

A. Yes, sir.

Q. How long have you been employed there?

A. I will be three years next July.

Q. What is your present position?

A. Well, I am considered a laborer or tallyman.

Q. How did you start in there? When you started in, what were you?

A. A water boy.

Q. How long had you actually served as water boy before you went to measuring loam, tallying?

A. Well, six months.

Q. And who permitted you to be tallyman?

A. Well, Mr. Shea told me to take charge of some of the teams there.

Q. Mr. Shea was the man, then, wasn't he?

A. Well, yes, sir.

Q. And you have acted as a tallyman ever since?

A. Well, on and off — not every day.

Q. Now, did you do any tallying in 1898?

A. Yes, sir.

Q. Whereabouts?

A. I couldn't tell. I suppose in Franklin Park, generally that is where I was.

Q. Now, do you recall any large contract made at that time, in 1898?

A. What do you mean by a large contract?

Q. I mean, where there were any number of teams coming in in the day?

A. Well, I don't remember of very many teams coming in in the day.

Q. Do you know a man named Whitmore?

A. Yes, sir.

Q. Did he deliver any loam there in 1898?

A. Yes, sir.

Q. How much?

A. Well, I couldn't tell you.

Q. Where did he deliver that — on Morton street?

A. Well, some on Morton street.

Q. You have no idea how much he delivered?

A. No, sir.

Q. Did you make out all the receipts at that time?

A. Yes, I think I did, except a very few. I was home sick a week there.

Q. I know, but he was delivering it several weeks, wasn't he?

A. Yes, sir.

Q. Who took your place when you were out?

A. A boy named Brady.

Q. Henry Brady?

A. Yes, sir.

Q. Now, did you have the power to reject any loam or any filling because of the quality?

A. Well, I would report it to Mr. Shea or Mr. Pettigrew when they came around.

Q. Well, do you remember ever rejecting any loam?

A. Oh, yes, lots of times.

Q. You personally did?

A. Well, I notified Mr. Shea or Mr. Pettigrew.

Q. What made you notify Mr. Shea or Mr. Pettigrew? What about it struck you?

A. Well, I thought the loam wasn't very good.

Q. Then it must have been pretty bad, must it not?

A. Well, it wasn't extra bad, but not what the park wanted, I thought.

Q. Well, you didn't know a great deal about loam, did you?

A. Oh, yes.

Q. When you went in there?

A. No, sir; not when I went in as tally man, but I learned quite a lot there.

Q. Do you remember whose loam you rejected there as tally man?

A. Yes, sir; rejected Whitmore's, rejected Mr. Mullen's, rejected quite a number of them.

Q. Ever reject any of Dolan's?

A. Yes, sir.

Q. As a matter of fact, were all these contractors delivering loam more or less bad?

A. Oh, no, sir. Once in a while they would bring in a load, cut down below the sub-soil, and I would look at the load and tell them if it wasn't good that I didn't want it.

Q. Now, did you ever refuse to give a teamster a check for loam?

A. Yes, sir.

Q. And have that teamster insist on dropping it there and say that he would get his check later from somebody else?

A. Yes, sir.

Q. Who did he say he would get it from?

A. Didn't say.

Q. Didn't he tell you?

A. No, sir.

Q. Do you know whether he got the check afterwards?

A. I don't know as he did.

Q. How many times did that occur?

A. Once or twice.

Q. You remember it pretty distinctly?

A. Yes, sir.

Q. Do you remember who the driver was that said that?

A. A Canterbury man — his name was; well, I can't just think.

Q. Well, in substance what he said was that he didn't care whether you gave him a check or not, that Whitmore would get it anyway?

A. Whitmore?

Q. Isn't that what he said?

A. No, sir. I didn't name any man.

Q. Didn't you name a man?

A. No, sir. If I think of the man's name I will tell you.

Q. Some contractor — you are quite positive it wasn't Whitmore?

A. Yes, sir; I am positive. If I think of the name I will tell you.

Q. You will try to think of the names?

A. What names?

Q. Well, the contractor, whose man said it. Now, what is your salary now, Mr. Keilty?

A. Two dollars a day.

Q. How long has it been $2 a day?

A. Since the last of September or October.

Q. Do you know any of these contractors very well?

A. No, sir.

Q. None of them?

A. No, sir.

Q. Don't know where Mr. Whitmore's house is, do you?

A. No, sir.

Q. Or Dolan's?

A. No, sir. I have just thought of that contractor's name — Mr. Brooks.

Q. But you didn't think of the man's name?

A. That was the contractor that was hauling loam, that I didn't give him any check.

Q. And the man said he would leave it anyway and would get his check later?

A. Said he would get his check.

Q. Do you know whether he did?

A. No, sir.

Q. Did he tell you afterwards?

A. No, sir.

Q. Didn't you ask him?

A. No, sir; the man hated me too much to speak to me on the street when he saw me.

Q. Didn't speak to you at all?

A. Never recognized me.

Mr. LUNDY. — I want to suspend for a time with Mr. Keilty.

The CHAIRMAN. — Have you another witness?

Mr. LUNDY. — I am going to put Mr. Shea on. I may take up Mr. Keilty again.

TESTIMONY OF JAMES B. SHEA. — *Recalled.*

Q. (By Mr. LUNDY.) Mr. Shea, John McMorrow, the contractor?

A. Yes.

Q. Do you know him very well?

A. I don't know him very well. I have known him quite awhile.

Q. Well, how often do you see him?

A. Well, I might see him once in six months, and might oftener — not very often.

Q. Then you are not familiar with him?

A. No, sir.

Q. Are you familiar with Mr. King, — J. J. King?

A. Yes; I am familiar with him.

Q. Mingle with him socially at all?

A. No; I have known him a great while.

Q. Well, you know Mr. Whitmore pretty well?

A. No; I have seen Mr. Whitmore at the park quite a good deal.

Q. There weren't any of the men I have mentioned so far that you know after business hours at all?

A. No, sir.

Q. Now, do you know Mr. Dolan, — James Dolan?

A. Yes; I do.

Q. Did you ever sell Mr. Dolan a horse belonging to the Park Department?

A. A horse was sold him; yes.

Q. Well, do you personally know about that sale?

A. I was present at that sale.

Q. Who sold it?

A. Well, the contract was closed by Mr. Pettigrew.

Q. Well, then, Mr. Pettigrew engineered that sale, didn't he?

A. Yes.

Q. There is no doubt about it?

A. I think he may have consulted with me at the time. We were in the buggy together.

Q. Mr. Pettigrew closed the deal with Dolan?

A. Yes, sir; in my presence.

Q. What did he pay for the horse, do you know?

A. Sixty dollars.

Q. How long had the horse been in the department?

A. About a year or a year and a half.

Q. How old a horse?

A. A young horse, not more than between seven and nine.

Q. Well, it wasn't a draught horse?

A. Draught horse, yes.

Q. Do you know where it was bought?

A. Well, I think it was bought at Snow's. The only reason I say that is, that it was bought through Dr. Peters, and most of Dr. Peters' horses are bought at Snow's.

Q. Have you any idea what was paid for that horse?

A. Yes, I think the department paid $150.

Q. Did the horse have defects about him at the time you sold him?

A. Yes, he had.

Q. What was the matter with him?

A. Well, he was nothing more than a frame. Our horses are used mostly on the watering carts, on the driveways —

Q. Yes?

A. — and Mr. Pettigrew disliked him so much that he had him taken from the watering-cart and put on to the tool-wagon, and used around where he wouldn't be seen much, and there he disliked his looks so much that he asked me one day to put him in the barn and get him out of the way, so that nobody would see him.

Q. Did the horse have consumption, or anything?

A. No. The doctor was consulted on the matter. I can't say what report the doctor made on the matter, but he said he thought he wouldn't improve any so far as looks would go.

Q. And Mr. Pettigrew's objections to him were purely æsthetic? The horse did his work, didn't he?

A. Not very well. He wasn't condemned — I think you state it right, that his objections were purely æsthetic, but he wasn't as good a horse, he didn't turn out as well, as our other horses.

Q. Now, Mr. Dolan has hauled away a great deal of wood from the park, hasn't he?

A. Yes, one year he did.

Q. And how many cords would you say?

A. Well, I think there were about 100 cords.

Q. What did he pay for it?

A. He agreed to pay a dollar — I give you this to the best of my knowledge; I can confirm it later —

Q. That is all I want to get?

A. I think he agreed to pay a dollar and quarter to a dollar and a half a cord, and had the cutting to do, the cross-cutting. He was not to take the trees down or lop the branches off. We were to take care of that, and he was to cross-cut or split, if necessary.

Q. A dollar and a quarter a cord?

A. A dollar and one-half, I think.

Q. Was it a fact that the former superintendent of the parks, Superintendent Howe, received as much as five dollars a cord under exactly the same conditions?

A. No, it is not a fact.

Q. It isn't?

A. No.

Q. Well, do you know that Mr. Howe did receive five dollars a cord?

A. I think he did not, but I wouldn't say. The value of wood has changed a great deal in a few years, and it is possible that, with the wood piled up, with the wood cross-cut and split and piled in the same condition that it was when Mr. Howe was there, he would receive from four dollars to five dollars a cord — that is, for the pick of the wood, not for all of it.

Q. Mr. Dolan, you say, took away about 100 cords?

A. Yes, something like that.

Q. Who was that deal made with — Mr. Pettigrew or yourself?

A. I think that I made the deal. Mr. Pettigrew had another offer at a smaller amount, and I think that Mr. Dolan made that deal with me. That is, it was confirmed by Mr. Pettigrew.

Q. Well, who was the other contractor who wanted to take it off and pay for it?

A. I think it was made through a man named Doonan.

Q. I beg pardon?

A. Doonan, I think. The offer wasn't made to me. I think it was made to Mr. Pettigrew.

Q. You think it was made to Mr. Pettigrew?

A. Yes, sir.

Q. And that he didn't offer as much as Dolan did for it?

A. No, he did not.

Q. Well, Dolan has bought some watering carts in the Park Department, too, hasn't he?

A. Yes.

Q. How many?

A. Four.

Q. What did he pay for those?

A. Paid $75 apiece.

Q. How long had you had them?

A. Varying in time. They were sold in the spring of 1897, and those carts were bought in the time from 1884 to 1887.

Q. And they had seen actual service for that long?

A. Yes.

Q. Now, have you any idea what was paid for those teams?

A. The prices paid?

Q. Yes.

A. Something like $350.

Q. Did you have anything to say about the sale of those watering carts?

A. Yes, I did.

Q. Well, were they condemned?

A. They were.

Q. Couldn't there have been some repairs made upon those teams?

A. Yes, there could have been.

Q. I suppose the expense would have been more than they were worth after they were repaired?

A. Well, yes, I think so. I went through those. We have a man, a mechanic, a foreman of carpenters, and I have him look over those things, and when there are any repairs to be made they are called to my attention as well as to the attention of the contractor or party who is to make the repairs, the repairing party, so that I may know whether the bill submitted is a proper one or not, and we looked these over and decided to condemn them. Do you want any reasons?

Q. Yes, go ahead, Mr. Shea. Give us the whole of it.

A. Well, the reason why these carts were condemned is that, in the first place, they had to have new tires all over. Then, our carts were originally bought with the Miller-Knoblock attachment, a down stream attachment. About the time these carts were bought they had a great many new ideas for street watering carts, and among those were these patent attachments, and the carts that were used most had the Miller-Knoblock attachment, which has the down stream, and the Niagara Sprinkler, used by the Studebaker folks, which has not a down stream, but the stream is cast horizontally and falls to the ground by the force of gravity.

Q. You think, then, that the Park Department received a pretty fair price for teams which were as long in use as those had been?

A. Received a pretty fair price. We were to buy new carts at this time, not only to take the place of the old carts, but also to do the work on the drives, the extra work on the drives, the drives having been extended in that year, and in making our contract we took into consideration the price we would have to pay for repairs and decided that it would not admit of our making the repairs. We decided that it was cheaper to buy new ones, as the prices for the extra attachments and the repair on the running gear would amount to a very large sum, and we would then have an old body which might have to be condemned in another year.

Q. Yes.

A. And, to get at the gist of the matter, we asked the dealer, the maker, the Boston agent, what he would allow us for these carts, in a trade, and he offered us $50.

Q. Now, did the superintendent advertise these carts for sale?

A. No, he did not.

Q. There was no effort made, then, to auction them?

A. No, no auction.

Q. Or to make a general sale?

A. They sent for several people to look at them, and Mr. Dolan bought the whole lot at $75 apiece.

Q. Well, thus far Dolan seems to have bought everything bought of the Park Department?

A. No.

Q. Well, as far as we have gone.

A. Everything you have asked me about, I guess, has been bought by Dolan.

Q. Do you know anything about material being charged up to one place, Mr. Shea, and being used in another?

A. No; I can't say that I do.

Q. You haven't heard about that at all?

A. No.

Q. Have you ever heard, or do you know, that money appropriated for the Gibson Playground was not actually used there? Do you know whether or not that is so?

A. No, I can't say.

Q. You wouldn't have any means of knowing anything about that?

A. Well, not definitely, no.

Q. Now, do you carry any check books at all?

A. Never; I never have taken, in the three years that I have been general foreman, but one check book out of the office.

Q. That is the one you gave Kelly?

A. No, I didn't take that from the office. Kelly took that from the office. I took one more book from the office.

Q. Now, for what purpose did you have that other one?

A. I took it, carried it from the office, to give to foreman Watson, at Peter's Hill.

Q. Well, carried it as a messenger?

A. Yes.

Q. You didn't use it?

A. In that book I receipted for four loads of cobblestones which were received at Peter's Hill.

Q. And those four loads of cobblestone were supplied by Dolan, weren't they?

A. No, oh, no.

Q. Who were they supplied by?

A. By Contractor Welch, of West Roxbury.

Q. Is that the same Welch mentioned here, who does business in somebody's else name or somebody else in his name?

A. I didn't hear that, no.

Q. Didn't you hear that?

A. No, but I don't think that is so. Any business that Welch has done in the department hasn't been very extensive, but has always been done under his own name.

Q. Well, then, you don't know that anybody else has supplied anything that belonged to Welch?

A. No; I do remember the Welch you speak of, but it is not the same man.

Q. Now, do you know that Dolan was supplying paving blocks to the Park Department?

A. Yes.

Q. How great a quantity did he supply them?

A. Well, according as they wanted them.

Q. Did he supply any last year?

A. A smaller quantity last year, yes.

Q. Many the year before?

A. More the year before, I think.

Q. Now, do you know who actually had charge of tallying the loads of paving blocks as they came?

A. Well, the foreman on the work.

Q. That was spread around generally, was it?

A. Yes.

Q. By the way, Mr. Shea, did Dolan use those watering carts on the park after he bought them?

A. Yes; not all of them.

Q. They are actually at present in service?

A. Not at present.

Q. No; not at the present time, but you look for them to show up this spring, the same old carts?

A. No; do you want to know when they were used?

Q. Now, was the horse —

A. It may interest you to know when those carts were used.

Q. Yes; it might.

A. Those carts were used in the dry season — last year we had an exceedingly dry season, and not having any more carts than were necessary for the watering of our roads, we hired from anybody from whom we could get them any kind of a cart that would hold water — the old fashioned barrel carts or these present carts — and they were used on the

plantation, in supplying water for planting, and later in the season, after the planting season had passed, they were used to water the shrubs placed near the drives, and in addition to that one cart of Dolan's was used one part of the season with the steam roller on road construction, we not having carts enough to go around.

Q. Now, was the horse used on the park after that?

A. I never saw him.

Q. Never heard any complaint from Mr. Pettigrew later on?

A. No.

Q. Do you recall any job that Mr. Dolan has done in the way of excavation for the city in the last two years?

A. For the Park Department?

Q. Well, perhaps not; but do you know of his being at work excavating on city property at any time when he was supplying filling to the Park Department?

A. I never knew him to supply filling to the Park Department.

Q. Never knew Dolan to supply any filling at all?

A. No.

Q. Any loam?

A. He supplied loam.

Q. Whether or not he has engaged in any contracts to excavate anything?

A. I couldn't say.

Q. At the time he was supplying that?

A. I couldn't say.

Q. Well, would it surprise you to learn that Mr. Dolan took stuff from one part of the city and sold it to the other? Would that surprise you somewhat?

A. Well, it wouldn't surprise me that I didn't know anything about it.

Q. No, I suppose not. Personally, you don't sign checks at all, receipt checks?

A. No. That would be very unusual for me. I believe I have testified that I signed four or five checks in one book, because I didn't have any foreman who could sign them.

Q. Now, Mr. Shea, do you take any part in forming the estimates for loam?

A. No, not for any great quantity of loam I would not. If there was a place that needed planting and needed some loam, and I made a suggestion that we ought to have thirty or forty loads of loam for that place, I might make an estimate, but as for forming estimates of large quantities, I don't.

Q. As a matter of fact, doesn't the administration of the Park Department go ahead rather heedlessly in getting loam?

A. Not that I know of.

Q. Do you know of any loam book you have where you have figured up or recorded estimates of loam for any season?

A. I don't know of any such book.

Q. Isn't any such book in existence?

A. I don't know of any.

Q. Do you know of Mr. Pettigrew having any?

A. I don't know of any.

Q. Have you known of Mr. Pettigrew figuring on the amount of loam he wanted?

A. I have in a general way, yes.

Q. Well, for what particular job did Mr. Pettigrew ever figure?

A. I have heard him figure for a plot of land which is loamed near to Walnut avenue. He took into consideration the area to be loamed and the amount to be put on it, and figured the number of loads needed.

Q. What do you suppose he figured it out in that case for, and not in others?

A. I guess he did in others. I know of other cases where he has done it.

Q. There is no record kept?

A. I couldn't say that there isn't. His recommendations are made to the Park Commissioners. They are to be acted on before that work is done.

Q. Now, how do you account, Mr. Shea, for that startling difference, that wide margin between the year 1897–98 and 1898–99, in the matter of loam — some forty thousand or fifty thousand yards of loam?

A. Well, I account for it in this way — as far as it would be proper for me to account for anything I don't really know about. I account for it in this way, that Mr. Pettigrew took charge of the department in 1897, and it was not to be supposed that his recommendations for loam were to go in when he had been there a month or two. As a matter of fact, if the loam was needed at all, it was needed that spring, when the planting was to be done, and he had been there only a few months, and it wasn't to be expected that he would have time to purchase a number of thousand loads of loam or that his plans were perfected. You might say he took a year to look over the parks and to see what was needed, and in that time he could form a good estimate of what was needed and submit his estimates to the Board.

Q. That is your theory?

A. That is my theory.

Q. He held off for some time, figuring up?

A. I didn't say that. I said that his judgment was not formed in a month or in two months.

Q. No, but the necessity for loam in most cases is fairly pressing, isn't it?

A. I think you will find that Mr. Pettigrew's report as to the necessity for loam was made very early in his career there.

Q. He did very well.

A. It didn't take him long to show that it was necessary to have a lot of loam in Franklin Park, and it wouldn't take any man long who knew his business.

Q. You mean by that the men who occupied the position previously didn't know their business?

A. I didn't say that.

Q. It is the same park, isn't it?

A. Yes, sir.

Q. Why did this crying necessity arise immediately after Mr. Pettigrew's advent?

A. I can explain that to a certain extent. During the years immediately preceding Mr. Pettigrew's advent to the Park Department there had been a great many roads cut through and a great many other pieces of work done by the Park Department under Mr. Howe's charge, and in many cases they spread the loam around. In others they put it in piles, and there was a great surplus of loam taken from the driveways for a great many years previous to Mr. Pettigrew's coming to the Park Department. At the time of his appearance there most of this work had stopped — in fact, there were many places that were entirely bare, owing to the previous work which was carried on there. I would instance the gravel bank, which covered quite a considerable area. It was necessary to keep that bank open a great many years on account of the work in the department. So with other places. The Greeting had been open a great many years. Rock had been blasted and stone used in the streets. There were these great areas of ground uncovered with loam, and it was Mr. Pettigrew's duty, of course, to look after those. They have been since covered with loam.

A recess was taken from 6 P.M. to 7.30 P.M.

EVENING SESSION.

The Committee was called to order by Chairman NORRIS at 7.30 P.M.

TESTIMONY OF MICHAEL MCNULTY.

Q. (By Mr. LUNDY.) What is your full name?
A. Michael McNulty, sir.
Q. Where do you live, Mr. McNulty?
A. I live at Jamaica Plain, 32 Tower street.
Q. How long have you worked in the Park Department?
A. Since 1883 — August 15, 1883.
Q. You were not suspended recently?
A. No, sir.
Q. And you are now working in the Department?
A. Yes, sir.
Q. What is your position?
A. Watchman in charge of a road, sir.
Q. In charge of a road?
A. Yes, sir.
Q. Got any men under you?
A. Yes, sir; got three now.
Q. Three men under you. You have acted as sub-foreman, haven't you?
A. Occasionally, yes, sir.
Q. Well, for how long a period at a time?
A. Well, I couldn't tell you — sometimes might be a month, and sometimes two months, couldn't tell exactly how long.
Q. What salary do you get as a watchman?
A. I got $2.75 a day, sir.
Q. $2.75 a day?
A. Yes, sir.
Q. What does a sub-foreman get?
A. I think they get $3.25, sir.
Q. Well didn't you ever get a sub-foreman's salary?
A. No, sir.
Q. But you have done a sub-foreman's work at times?
A. Yes, sir; under Mr. Shea.
Q. What is your rating on the civil service list?
A. Watchman in charge of road, sir.
Q. On these occasions when you acted as sub-foreman, getting a watchman's salary, what was your reason for acting in that capacity?

A. I don't know, sir. Mr. Shea asked me to go down and look after men.

Q. How large a gang have you had under you at any one time?

A. Well, I might have as high as twenty.

Q. Well, did you understand that you were taking the place of anybody who was sick, or anything of the sort?

A. Sometimes, sir.

Q. At other times you acted as sub-foreman because it was necessary to have a man in charge of the gang. Is that so?

A. Yes, sir.

Q. Do you know of any time when you were acting as sub-foreman that a man actually on the list as sub-foreman was idle, suspended?

A. No, sir.

Q. Did you ever have this young Mr. Keilty working under you?

A. I think he was once, for about three or four days.

Q. Well, you know you had him under you don't you?

A. Yes, sir.

Q. Now, where was that?

A. Jamaica Park, sir.

Q. And what was Mr. Keilty doing there?

A. Measuring loam.

Q. Did Mr. Keilty understand measurements?

A. Yes, sir; as far as I understood.

Q. Do you understand cubic measurement?

A. I never measured the teams, except to help the boy out.

Q. You are not responsible for the measurement of teams — that is, never took measurements yourself?

A. No, sir — that is, only to help the boy out.

Q. Who were the contractors who were delivering loam at that place?

A. Well, there was quite a lot delivering loam there, sir.

Q. Well, was Dolan delivering it there?

A. Yes, sir.

Q. Whitmore?

A. Yes, sir.

Q. Coburn?

A. Yes, sir, Coburn.

Q. King?

A. I don't remember.

Mr. SHEA. — Pardon me — there is Coburn and Colburn. Coburn did not.

Q. (By Mr. LUNDY.) That is, J. C. Colburn?
A. Yes, sir.
Q. He was delivering there, was he?
A. Yes, sir.
Q. Now, why was this tally boy, Keilty, taken from your squad?
A. Well, he was sent there while my other boy was busy at some other work.
Q. Didn't you have some row with Keilty?
A. No, sir.
Q. Never had any quarrel with him at all?
A. No, sir.
Q. Who was the other boy?
A. His name was Francis Howe.
Q. Did he come back after Keilty went away?
A. He was home sick a few days.
Q. And after he went away Howe came back?
A. Yes, sir.
Q. You don't know where Keilty went then, do you?
A. I think to Franklin Park.
Q. At the present time you have three men under you?
A. Yes, sir.
Q. What do they do?
A. Cleaning roads, locking gates.
Q. You have done some road building, haven't you?
A. Yes, sir.
Q. You have bossed gangs that were operating steam rollers — that is so, isn't it?
A. Yes, sir.
Q. For how long a time did you do that?
A. Oh, probably it was about a month.
Q. Well, do you know anything at all about building?
A. Yes, sir.
Q. Did you ever study it?
A. No, sir.
Q. Where did you learn it?
A. On the parks.
Q. You know the difference, then, between any two different kinds of road?
A. Yes, sir.
Q. And you think you are fully capable of bossing a gang of men on that line of work?
A. Yes, sir.
Q. Haven't you within the last week or two bossed a gang of men working — more than three men?
A. No, sir. I had some men on catch basins, cleaning them out — had three more.

Q. Then you had six altogether?
A. Yes, sir.
Q. Well, now, you have had gangs as large as forty-five men under you, haven't you, out Jamaica way?
A. I may have, counting road men and all, at times.
Q. Counting road men and all, you have had as big a gang as any sub-foreman or foreman in the department, haven't you, at different times?
A. I don't know how many the other men had.
Q. Well, you know they don't run much more than forty men in any gang, don't you?
A. No, sir.
Q. You know they don't?
A. I don't know how many they have running in gangs.
Q. Don't know anything about it?
A. No, sir.
Q. You think you had a pretty large gang when you had forty or forty-five men?
A. Yes, sir; a pretty large gang.
Q. How did you happen to have them?
A. Mr. Shea was hurried up on work, so he put me down on it.
Q. Put you on that work?
A. Yes, sir.
Q. You didn't ask Mr. Shea to give you that work?
A. No, sir.
Mr. LUNDY. — You will please step aside, just a minute, Mr. McNulty. (The witness left the stand.) Is Martin Connelly here? (No response.) Well, he probably will be here. Mr. Stratton won't be here to-night, will he, Mr. Matthews?
Mr. MATTHEWS. — No, sir. I think if he had known that anybody wanted him he could have been here.
Mr. LUNDY. — Is Mr. Carlin here?
Mr. CARLIN. — Yes, sir.

TESTIMONY OF JOHN CARLIN.

Q. (By Mr. LUNDY.) What is your full name, Mr. Carlin?
A. John.
Q. Where do you live, Mr. Carlin?
A. 138 Spencer street, Dorchester.
Q. Do you work in the Park Department?
A. Yes, sir.
Q. Working there now?
A. No, sir.

Q. You are on the suspended list?
A. Yes, sir.
Q. What was your business when you were there?
A. Mostly everything in the way of working.
Q. (By the CHAIRMAN.) Talk up loud.
A. There are so many talking at a time that it is hard to hear.
Q. Well, you talk up louder?
A. Yes, sir.
Q. (By Mr. LUNDY.) You have been a laborer?
A. Yes, sir.
Q. What have your wages been?
A. $2.
Q. Were you working in the Park Department in 1898?
A. Working for about fifteen months, up until about the 12th of February.
Q. Whose gang did you work in?
A. Oh, I worked in four or five.
Q. Ever work under Mr. McNulty?
A. No, sir.
Q. Ever work under Mr. Edgeworth?
A. No, sir.
Q. Well, what foreman have you worked under?
A. I worked under Mr. Jeffery, and Mr. Kelley, and Mr. Hannon, and Mr. Travers.
Q. Ever done any gardening at all?
A. Worked some at shrubs and trees.
Q. Have you ever taken part in the destruction of any shrubs, the removal of shrubs?
A. Cutting down some?
Q. Yes.
A. Yes.
Q. When was that?
A. That was last September.
Q. Do you know anything about shrubs?
A. Not very much.
Q. You would know a good one from a bad one, if you saw it?
A. Well, if I saw it growing green I might.
Q. Did you remove any that appeared to be good shrubs?
A. I don't know much about a shrub. The ones that were removed seemed to be healthy, but we were thinning them out.
Q. Well, that is what they were doing, wasn't it? How many of those shrubs do you suppose you removed?
A. I couldn't tell that.

Q. This was out in Franklin Park, was it?
A. Yes, sir.
Q. Did you ever work under Mr. Hugh Watson?
A. One day, I guess — part of one day.
Q. Do you know anything about the giving away of stone?
A. I have seen some going away.
Q. Well, going away with whom? Who was taking it away?
A. The team of Andrews was taking it away.
Q. And who is Andrews, please?
A. Well, he was a man that was working there with a hired team.
Q. Well, do you know why he took it away?
A. No, sir.
Q. Did you ever hear Mr. Watson tell him to take it?
A. I see it going. It went off the park.
Q. How much did he take?
A. Took two face stone, about six feet long.
Q. Granite?
A. Well, dressed for curbstone.
Q. Now, did you see any other stone removed?
A. Yes, there was some other stone removed, all right?
Q. Well, who took that away?
A. Well, I don't know who took it away. They are the ones seen.
Q. Didn't you know where Andrews was taking this stone?
A. No, sir; he went off the park with it.
Q. How much stone was there altogether — how much face stone?
A. Oh, quite a lot.
Q. But those were two pieces, two blocks that he took?
A. Two, about six feet long each, dressed stone.
Q. What was the date of the taking away of the stone?
A. Along in August, sometime.
Q. Of last year?
A. Yes, sir.
Q. That was 1899. You say you worked there under Mr. Watson only one day?
A. Worked part of a day, over in Bussey, I guess.
Q. Now, how did you happen to note the taking away of the stone by Andrews?
A. I was working close by him on the inside of the nursery, when he was taking away the stone and loading it on the team. From there I see him go over toward Blue Hill

avenue with it, turn off a side street — I don't know where he went with it; went off the park.

Q. Well, did that strike you as being peculiar at the time?

A. Well —

Q. A little bit peculiar, perhaps. How did you take note of that at the time? How do you remember that two six foot face stone were taken off the Park system?

A. Well, there is no memory about it. I remember it.

Q. Have you ever worked in any gang where they received loam?

A. No, sir; not that I took notice of. I seen it coming in and out there.

Mr. LUNDY. — That is all.

Mr. MATTHEWS. — No cross-examination.

Mr. LUNDY. — Has Martin Connlley got here yet. (No response.)

TESTIMONY OF JAMES B. SHEA. — *Recalled.*

Q. (By Mr. LUNDY.) Now, Mr. Shea, do you know a man named Moses Coulter?

A. Yes.

Q. A contractor?

A. No.

Q. What does he do?

A. He is foreman in the Park Department.

Q. Do you know anything about gravel?

A. Know anything about gravel?

Q. No, let me finish the question. I know you know something about gravel, but do you know anything about the gravel dug out by Coulter, which Coulter carried away out of the Park system?

A. Yes, I do.

Q. Yes — and when was that?

A. Well, sometime during the year 1899.

Q. Well, didn't he take considerable gravel from the department?

A. Coulter didn't.

Q. Took it out for his own use?

A. Coulter didn't; no.

Q. No; Coleman?

A. Yes.

Q. Now, what did he get that gravel for? What did he pay for it?

A. Well, I had no official communication with Coleman on the matter, but I know through Mr. Pettigrew talking with me on the matter, on the question.

Q. Yes.

A. We were removing a lot of gravel from the parkway and we had to dump it in various places, any place that we could find to dump it — looking for a dump, in fact. The gravel was taken out along the bridle path, between the bridle path and the pleasure drive. There was a space about seven feet wide, and varying in depth from two to three feet, excavated, from which the gravel was taken out, and in place of that was dumped, by contractors' loam. That gravel we had to excavate and cart away with our own teams, and the question was, whether the Park Department could not cheapen the work by giving the gravel away or selling it to somebody. In one case, on Jamaica Park, between Perkins and Pond streets, I offered it to the Street Department of the city of Boston. We were to do the loading and they were to cart the material away. They tried it for awhile and found it didn't pay, and dropped it. We had to cart it ourselves. Further down the Parkway, on the Riverway, where Foreman Coulter was working, he was offered by various contractors — or, rather, various contractors were asked to submit proposals to take that away. Just what arrangements were made with Coleman I cannot say, but I know that he took a large part of it away, to the advantage of the Park Department financially.

Q. Then you do say that Coleman paid for that gravel?

A. I don't say that. I do say that the Park Department reaped a financial benefit from the contractor's taking it away.

Q. Now, isn't there any place out there where you can store gravel?

A. I suppose there are places where we could store gravel. We had no particular use for it down there.

Q. I understand; but you will have to buy gravel in the spring, won't you?

A. Not for any reason I know of.

Q. You know there are probably some things you will have to buy gravel for?

A. Haven't bought any gravel in my experience of ten years in the Park Department — we haven't bought any gravel.

Q. Haven't bought it at all?

A. No.

Q. Couldn't you use that as filling?

A. Yes, if we had any place for it. We used it for filling in every place we had reason to use filling.

Q. And, as a matter of fact, you haven't bought any for the purpose of using it for filling?

A. We haven't bought any for the purpose of filling, and have no use for it for filling, except what we have moved of our own accord.

Q. How much of that should you say Coleman took away?

A. It would be very hard for me to say; but I should say it might vary from 300 to 1,000 yards.

Q. Well, you have no doubt that that transaction was of some financial advantage to Mr. Coleman, have you?

A. I cannot say whether it was or not. I am of the opinion that he saved money on whatever his original contract was with the city, or with some private parties, by using our gravel, and the Park Department obtained some financial benefit from his taking it away.

Q. Now, did you hear Mr. Maglue testify, Mr. Shea, that he acted as an engineer?

A. Well, I saw him on the stand, yes.

Q. Well, you heard what he said, didn't you?

A. I think I did, yes.

Q. You heard him say he worked around the boilers at night, didn't you?

A. I heard him say that.

Q. As a watchman?

A. Yes.

Q. Now, you wouldn't have anything to do with that, would you?

A. Well, I would, yes.

Q. Well, in what way?

A. Well, being general foreman of the Park Department, my superintendence would extend to almost any employee in the department.

Q. And were you aware of that condition existing?

A. I was aware of the fact, that he was night watchman at the administration building, and that he was a competent man, too.

Q. What?

A. Competent to perform all the duties required of him there.

Q. As a night watchman, or as engineer?

A. As both.

Q. And you know, as a matter of fact, that he was performing the duties of both jobs?

A. I did, yes.

Q. Did you order him to do that, or authorize him to do it?

A. I was consulted on the matter by Mr. Pettigrew, and we both thought he was competent to perform the duties required of him.

Q. Well, do you know of any special compensation that Mr. Maglue got for doing the work?

A. No, he did not. He received the same compensation he had got for years gone by as a watchman in the department.

Q. Now, during last summer how many teams did Mr. James Dolan have to work?

A. One.

Q. Well, how many teams did James Dolan's drivers have there?

A. I don't know of any more than one.

Q. Now, were you present at the drawing of teams?

A. I was not.

Q. Well, do you understand that Mr. Dolan drew one?

A. I knew he drew a number.

Q. And you are quite positive that he got a team on the number, aren't you?

A. Yes.

Q. Now, as a matter of fact, don't you know that James Dolan did have teams working under other men's names?

A. No, I do not, and I would be very much surprised if you told me that he had.

Q. Well, I wouldn't tell you, but you know James Dolan's teams pretty well, don't you?

A. I have had teams from James Dolan in the department for the past nine years, and I know some teams pretty well, some of the teamsters and teams pretty well.

Q. You would be more or less familiar with them — there is no question about that?

A. I would, yes.

Q. Now, do you mean to say that you didn't see any of Mr. James Dolan's teams there at all other than the one he was entitled to?

A. That was all.

Q. While I think of it, Mr. Shea, do you remember testifying the other day with regard to Mr. Coulter, was it? Was he suspended?

A. Coleman?

Q. Coulter? There are three suspended at the present time?

A. Yes, sir.

Q. One is MacCallum?

A. Yes.

Q. Another is Jeffery?

A. Yes, sir.

Q. And who is the other?

A. Coulter.

Q. The same Moses Coulter?

A. Yes.

Q. And he is the one who is now working as a laborer?

A. Yes.

Q. Was he at any time a full-fledged sub-foreman?

A. He was.

Q. Or did he act as Mr. McNulty did?

A. He passed the civil service.

Q. Now, you recall saying at a previous time that the men retained were generally superior to the men who had been suspended?

A. I did.

Q. And you placed among the superior people this James Edgeworth?

A. I did.

Q. Now, after hearing him testify the other day are you of the same opinion?

A. I am.

Q. You think he is a proper man to measure loam, do you, and make receipts?

A. I am sure of it.

Q. You know a man named Pat Scully?

A. No. I can't recall the name. We have, it seems to me, a man by the name of Scully in the department, but I cannot recall the name now, Mr. Lundy.

Q. Well, do you know any of Mr. King's drivers — know whether he has a driver named Pat Scully?

A. I don't know the names of any of his drivers.

Q. Well, you are quite positive that you are not on intimate terms or at all familiar with a man named Pat Scully, who drove with King?

A. Yes; I am not.

Q. Do you know a man named Mulrey?

A. Mulrey?

Q. John Mulrey?

A. A laborer?

Q. No; a man who has teams?

A. Yes, I do.

Q. How many teams did he have on last year?

A. Well, I couldn't say that he had any.

Q. Do you know a relation of his by the name of Manning?

A. I couldn't say anything about his relationship.

Q. Do you know a man named Manning?

A. I know a man named Manning who had teams with the Park Department.

Q. You knew he had a team there last year, didn't he?

A. I believe he had; yes.

Q. Well, hasn't it actually been brought to your notice that this man, Manning, purchased a number?

A. No; it has not.

Q. For the sum of $50?

A. No.

Q. It has not been brought to your attention?

A. No. Manning has had teams in the department a great many years.

Q. Or, rather, I should have said Mulrey, purchasing the number from Manning — that has not been brought to your attention?

A. Manning has had teams in the department a number of years. I believe him to be a contractor, as far as I know. I don't know the man, but I have had drivers from him for quite a number of years.

Q. Now, you know James Hanlon?

A. A laborer?

Q. Yes.

A. In the Park Department?

Q. Yes. What did he do — act as tallyman?

A. Well, I cannot remember of his acting as tallyman, although he may have some years ago.

Q. You don't recall removing him as tallyman, do you — or rather, removing him from his position as tallyman, for any reason?

A. I cannot bring to mind now the time he acted as tallyman. I don't think that he did.

Q. You had nothing directly to do with the cutting of trees at all — the marking of trees — had you?

A. I never marked any trees, no.

Q. Have you been with Pettigrew when he marked them?

A. Yes; quite a few times.

Q. Most of the times?

A. Not most of the time, but a great many times when he has been marking trees I have been with him.

Q. Do you know anything about painting over the mark on a tree, or covering it with dirt, such as was testified to here the other day by Fee?

A. Only in a general way. I know that a few times Mr. Dawson, who was the planter under Mr. Pettigrew, was allowed to go in and mark trees, and those trees were never cut until Mr. Pettigrew looked them over, and on one or two occasions Mr. Pettigrew decided that certain trees

marked by Dawson might be left standing, and those trees — the blazes on the trees, rather — were painted by the gardener's assistant, so that they would not be cut out. The blazing, of course, would necessarily cause a little rot in the tree at that place, unless it was painted.

Q. Yes; but you don't know anything about this instance where a tree was marked over by the workmen in order to save it from Mr. Pettigrew's orders?

A. That is what I speak about. They were painted.

Q. That which has been testified to you knew about?

A. Yes, sir.

Q. That was to save the tree?

A. That was to save the tree.

Q. Do you know of any instance where it was covered over with dirt in order to deceive Mr. Pettigrew?

A. I don't think there was any instance of blazing that was ever covered over in order to deceive Mr. Pettigrew. I do think that occasionally, where a foremen had loam being delivered among the trees, that those trees might have been marked by the teamsters, and the foremen, in order to save themselves from a scolding from Mr. Pettigrew, might have marked those trees and painted them dark, either by rubbing mud on them or by putting some paint on them, that Mr. Pettigrew might not see them, and give them a scolding for allowing the teamsters to drive in among the trees.

Q. Do you know anything about any nurserymen coming on to the park there and taking seed berries?

A. Well, I do know that certain privileges have been granted to nurserymen in that respect.

Q. Now, if you will state just what they were?

A. Well, that is a very easy thing, Mr. Lundy. We have in the park system, all through, countless millions of seeds which might be utilized by our department or by anybody else, and it is a favor which might be granted by Mr. Pettigrew or myself or anybody else in authority, to allow anybody to go out there and collect seeds in the autumn.

Q. A trifling matter?

A. A trifling matter. We would expect the same favor from any nurseryman in the country, to go into his own nursery and collect seeds.

Q. Don't you think it assumed something more than a trifling phase when seeds are purchased over again from that man who collects them from the park reservation?

A. I don't think seeds have been purchased from anybody.

Q. Have not been bought at all?

A. No, sir.

Q. Do you know of shrubs being bought by the department?

A. Certainly.

Q. Bought and destroyed?

A. I know something about shrubs being bought.

Q. You don't have anything to do with it directly, do you?

A. I have a general superintendence over the men, who have charge of the shrubs.

Q. Well, it is very general — you wouldn't have an idea of the removal or purchase, would you?

A. I see the bills.

Q. Is there a man named Barry who sells shrubs to the department?

A. You mean Erlanger & Barry?

Q. Well, what is that Barry's name?

A. I couldn't tell you Barry's name.

Q. Don't know his first name?

A. No, I do not. Erlanger & Barry — one of the largest nurserymen in the country.

Q. That isn't the one I have reference to. You don't know of shrubs being purchased from any other Barry?

A. I do not. None have been purchased from any other Barry?

Q. Now, do you know anything about any of your foremen selling wood, selling shanties?

A. No, I do not.

Q. Well, you have quite a number of shanties there, don't you, from time to time?

A. Yes, from time to time.

Q. And do you have any inventory of these shanties? Do you have them marked down at all?

A. Yes, in a general way. At the end of the year we give an inventory of all shanties which we have in our possession.

Q. Do you know anything about any of those shanties disappearing?

A. I cannot understand what you mean by "disappearing," Mr. Lundy. If you would explain yourself a little more, I might answer you.

Q. Well, I think that is pretty plain — any shanty being taken away from the department? Is there any reason why they should be given away?

A. Yes — well, not given away, but there are reasons why they should not be used by the department.

Q. I understand, but they would be of service at some time, wouldn't they, those shanties?

A. No shanties that had been condemned by the department would be of any service to us.

Q. I should say not. Nothing you condemned would be of much service to you. But how many did you condemn last year?

A. Well, in the past two years, in the past three years, I think we have condemned two shanties.

Q. Have those two shanties been given away?

A. I should say they might have been, yes. We might have broken up some others for firewood, if I remember right.

Q. Well, what is one of those shanties worth — worth a dollar?

A. I should say not.

Q. Not worth a dollar?

A. No, sir.

Q. Not a dollar's worth of wood in it?

A. No. For myself, I wouldn't take them for the carting away.

Q. No, but others might, Mr. Shea.

A. Well, I shouldn't think others would if they had to pay for the carting. I know of two cases where shanties have been given away.

Q. Now, to whom were they given?

A. One was given to a laborer named —

Q. Sheehan?

A. No, a laborer named Healey or Haley, — I cannot give you the name now; but Healey, I think, — lives in Roslindale.

Q. What did he do — cart it into Roslindale?

A. Yes, sir. It was up at Peter's Hill, given to him to save us the carting away, because we wanted to clean up the place. It was thrown aside and lay right there. It was taken down by one of our foremen in cleaning up the old ledge at Peter's Hill.

Q. Did you ever hear of Mr. Watson giving a shanty away?

A. Watson never gave a shanty away. This shanty that you refer to in connection with Watson is one that was given away by me.

Q. Given away by you?

A. Yes.

Q. But that is not the one at Peter's Hill?

A. That is the one at Peter's Hill.

Q. What is the other one that was condemned?

A. The other that was condemned had been lying at Williams Farm barn three or four years, and I sent the foreman of the carpenters up to see if it couldn't be set up

at some place where we had been doing work — I think at West Roxbury Parkway — and he reported to me that it couldn't be used and that it would be much cheaper to build a new shanty, which he did, and at some time subsequent to that I was asked by a teamster if he could have this shanty, and I referred the matter to the foreman of carpenters and he told me that it couldn't be used in the Park Department, that all it was fit for was firewood, and I allowed the teamster to take it off. The only other shanty, or anything of that kind, that I know of, that was given away was one given to Foreman Jeffery, who sits at your shoulder. He carted it to his farm, out at Stoughton.

Q. You say that Foreman Jeffery took one shanty to his farm out in Stoughton?

A. Yes.

Q. How many have you now accounted for?

A. Three.

Q. Do you know Condry, at Jamaica Plain?

A. Yes, sir.

Q. He has a shanty?

A. Yes, sir.

Q. Do you know what he is using that shanty for?

A. I couldn't tell you.

Q. You haven't heard that he was using it for a harness shop?

A. No, I have not.

Q. That accounts for four shanties, doesn't it?

A. No, it does not — only three. That shanty that I told you lay up at Williams farm barn, that was carted away by one of our teamsters, Condry.

Q. Now, Mr. Allen, stable boss, comes under you, doesn't he?

A. Yes, sir.

Q. Do you supervise or overlook the orders for hay and grain?

A. Yes, I sign them.

Q. You sign them?

A. I do.

Q. By the way, what does the purchasing agent do in the Park Department? What does he sign?

A. He buys all materials which are signed for by any foreman and submitted to Mr. Pettigrew and signed by him.

Q. Well, every order, for purchase of anything, must be signed or O. K'd by Mr. Pettigrew — that is so, isn't it?

A. By Mr. Pettigrew, yes.

Q. Do you know anything about Mr. Allen? How many horses does he have at the stable there?

A. About between twenty and twenty-six.

Q. What does his hay and grain order average per month?

A. Well, I should say that he would use on a average between ten and fifteen tons of hay and grain, an amount of from 300 to 500 bushels a month.

Q. Well, have you ever noticed his requisitions for hay and grain fluctuate very materially between any two or three distinct months?

A. Yes, they have.

Q. Well, that is accounted for by extra horses?

A. No, accounted for by my orders. I have asked him at times to order hay by the carload, and grain by the carload, and when the orders have been given in they have been ordered, so far as we could get the prices. If we could get better prices on a carload, we ordered them that way; if not, we ordered them in small lots, and his orders were countermanded and mine also just the same.

Q. Now, where is most of the hay and grain purchased?

A. Most of the hay and grain has been purchased from Whittemore, in Jamaica Plain, some from Robinson and Company.

Q. And how purchased?

A. They have been purchased on offers from the dealers.

Q. Now, the Whittemores have supplied most of it, haven't they?

A. They have, yes, sir.

Q. Are these the same Whitmores we have been discussing here?

A. No.

Q. A different family?

A. A different family.

Q. Now, has it been brought to your attention, that Mr. Allen has a horse of his own in the stable there?

A. Yes, it has.

Q. How long did he have a horse there?

A. If I remember right, some two or three weeks.

Q. And that was when?

A. Well, about three, four or five months ago.

Q. Did he use the horse around the park at all?

A. No.

Q. Did the Park Department ever get any use out of the horse?

A. No, it did not.

Q. Did he pay board for the horse there?

A. No, he did not. I ordered him to take the horse away.

Q. That is, after you discovered that he was there?

A. At the end of a couple of weeks, when I found he was there, I told him I didn't want him there.

Q. I know, but you ordered him out the moment you discovered he was there?

A. The minute I discovered he was there I told him I didn't want him there. I know he hadn't been there more than two or three weeks — two weeks, I think.

Q. How did you know that?

A. Because I go to the stable every day.

Q. I know, but there were fourteen days you went to the stable that you didn't notice?

A. Don't always go to the stable. From the shanty next to the carpenter shop I walk into the harness shop, and in that way I wouldn't pass this horse. He was there three or four days before I told him to take him away.

Q. Now, do you know of Mr. Allen carting away or sending away any hay or grain from that stable?

A. No, and I don't think he did.

Q. Well, do you know any reason why hay and grain should leave that stable?

A. Only to go to the sheepfold.

Q. How much would go there in the course of a month?

A. Well, not a great deal. If we were short of hay there might three or four bales go over there, something of that kind.

Q. By the way, you have testified, Mr. Shea, that you never used anything but your bicycle and the regular horse provided by the department?

A. Yes.

Q. Your own horse, rather. Now, is Mr. Pettigrew supplied with a horse and buggy by the department?

A. Yes.

Q. Do you know whether or not he ever uses any other means of conveyance, any other vehicle to go about the park?

A. I know of times that he has used a public conveyance, when he traveled with the Commissioners.

Q. You have one or two horses, Mr. Shea?

A. Two horses.

Q. And what provision is made by the Park Department for the keeping of those horses?

A. They allow me $45 a month for keeping the horses.

Q. And where are they kept?

A. At my stable.

Q. At the park stable there?
A. No, at my stable.
Q. Well, you own a stable?
A. I do.
Q. Have you other horses in there besides these two?
A. None.
Q. Now, Mr. Shea, would you know anything about an item in the auditor's report labeled "travelling expenses" — I mean, would any part of that go into your department, your division?
A. No, sir.
Q. That, you think, has wholly to do with the Commissioners?
A. Yes, sir.
Q. Now, are you allowed any other stipulated sum or unstipulated sum for the maintenance of horses or anything?
A. None.
Q. Then in addition to your salary, all the allowances made by the Park Department is the sum of $45 a month for the care of two horses?
A. Yes.
Q. That you keep at your own stable?
A. Yes.
Q. By the way, Mr. Shea, did you state that you gave a shanty to Jeffery to take out to the farm?
A. No, I believe it was given by the foreman of carpenters to him, under my orders.
Q. By whom?
A. The foreman of carpenters, Mr. Bean, under my orders,
Q. Then you practically gave it?
A. Yes, I acquiesced.
Q. You didn't cart over the shanty and hand it to him, but ordered it given to Jeffery?
A. Yes, sir.
Q. When was that?
A. Well, if I remember right, it was in the fall of '98. We were throwing down some shanties, and it was a lot of sides or something — the shanty was taken apart, not a whole shanty, by any means.
Q. Who told you this went out to Jeffery's farm?
A. Jeffery himself.
Q. Jeffery himself told you that?
A. Yes.
Q. How did he happen to come to tell you that?
A. Well, he told me. I don't know.

Q. Did you ask him what he was going to do with the shanty?

A. No, not particularly.

Q. It came up in the course of conversation?

A. Yes.

Q. (By Alderman JORDAN.) Mr. Shea, from whom did you take your orders?

A. From Mr. Pettigrew.

Q. In his absence from whom?

A. I had a great deal of liberty in his absence, but if anything of importance came up I consulted with the Chairman, and if anything was needed, the Chairman, Mr. Stratton, communicated with me.

Q. Well, how often was Mr. Pettigrew absent?

A. Mr. Pettigrew was only absent on two occasions in three years. Some time in the year 1899 he made a trip to Chicago and to Milwaukee, and at no other time was he absent except — I may be mistaken about it when I say 1899, although I think it was; and the only other occasion when he was absent was on a trip which he made to Pennsylvania, New York, North Carolina and Washington, mostly in the interest of buying shrubs, going through the nurseries.

Q. How long was he gone?

A. On each occasion he was gone about a week.

Q. Did you have occasion during that week to at all consult with Mr. Stratton?

A. I did, yes.

Q. How many times?

A. Called up on the telephone usually once a day, and then I had frequent letters from him, sometimes as many as two or three letters a day, and then, besides that, went to his office once or twice.

Q. Who arranged and fixed the policy upon which Mr. Pettigrew and yourself acted?

A. Mr. Pettigrew.

Q. Do you know at whose instigation he followed a certain policy?

A. You mean concerning me?

Q. No, concerning the management of the Park Department?

A. Well, I think that Mr. Pettigrew consulted with the Commission, and I think his actions were guided entirely by their wishes.

Q. Can you state briefly what that policy was that has been pursued by Mr. Pettigrew and yourself, as superintendents?

A. Well, I think Mr. Pettigrew was recognized, of course, as the man who would give the most valuable advice. I didn't consider that my advice, so far as park work was concerned, amounted to much, and Mr. Pettigrew's advice on planting and landscape work, I think, was considered by the Commission as very valuable. His advice was submitted to them at their meetings, and they listened to his advice and drove with him. I know that Mr. Pettigrew —

Q. What I want to ask you was, what that advice was, what the policy was — not the fact that they paid attention to Mr. Pettigrew, but what was the general policy that was pursued by Mr. Pettigrew and yourself?

A. Well, I know that Mr. Pettigrew's advice was very strongly in favor of buying a great deal of loam for Franklin Park in the first year of his administration, and also of cutting out the trees and thinning the woods all through the wooded portion of Franklin Park. I considered that those were the two main portions of Mr. Pettigrew's advice to the Commission in his first year, and I think that his advice in that respect has been acquiesced in by the Commission, and he was allowed to follow his own ideas in both those respects. In fact, they looked upon him as an expert in those matters, and they saw the wisdom of his suggestions.

Q. Now, so far as the trees were concerned, the thinning of trees, did you hear of opposition from citizens of the city of Boston?

A. I did, yes.

Q. What was the form of that opposition?

A. Just such form as it has taken before you to-day here, Mr. Alderman, — such men as Mr. Dole and Mr. Winslow, and a great many other men whom I think are very conscientious in their opinions. They felt as though they had a right to their opinion, and they certainly had. Their opinions have been stated before the Commission at great length, they have been listened to by the Commission, and the Commission have still decided, to my mind, — I am giving you my idea of the thing — the Commission have decided that they have been properly advised and that they are acting in the interest of the Park Department. They are acting in the interest of the trees and of the woods, and this is no new matter. It has been threshed over, not only by the present Park Commission, but by the Park Commissioners of all the cities in the country. The New York Park Department, particularly, has been brought up in connection with this matter before, and I have no doubt that if the records of the New York Park Department were consulted you would find

that the very same matters have been threshed over by the Boston Park Department, and some of the matters that have been brought into this committee hearing.

Q. Do you know whether or not there were any citizens of Boston that supported the Park Department in its policy of trimming trees, etc.?

A. Oh, a good many.

Q. They appeared at public hearings?

A. I don't think the same pressure was brought to bear on citizens who might perhaps be of the same opinion as the members of the Park Board or their superintendent. I don't think the same pressure was brought to bear on them to appear at the hearings as perhaps has been brought to bear on others. I think that this matter is, I might say — well, a matter of sentiment, as has been stated in the papers. That statement, you know, appears rather light; at the same time, the newspapers have stated that that is a matter of sentiment, and I think it is a sentiment that appeals to a great many public-spirited citizens, and that it may be considered an important matter in these hearings. But we know that sentiment is not always a thing which may be followed by people who are looking for the greatest good of the people at all times.

Q. Then you think that the Park Commissioners, when they made up their minds to continue the policy which they were pursuing of thinning the trees, did so after considering the objections and also considering the advice and counsel of other citizens who desired to have it done?

A. Oh, I know that they considered not only the advice of Mr. Pettigrew, and possibly the advice of Mr. Sargent, but they also considered the advice of Mr. Olmsted, the Mr. Olmsted who is now the principal member of the firm of Olmsted & Company, and also the opinion of a great many other experts, not only in this country but throughout other countries.

Q. (By Alderman GERRY.) You simply state that as your opinion, do you, Mr. Shea?

A. Not as to the policy which the Park Department is pursuing? I state now the facts, as to their pursuing their policy under the advice not only of Mr. Pettigrew, but of other experts that I have mentioned. That is not my opinion; that is a matter of knowledge.

Q. (By Mr. LUNDY.) Well, Mr. Shea, you have no adverse criticism to make of the park officials?

A. I have stated none.

Q. Well, you have none, have you?

A. No, sir.

Q. Everything has appeared to run perfectly, to your satisfaction, since you have been there?

A. To my satisfaction. It has run very nicely, Mr. Lundy.

Q. And your endorsement of the present administration of the Boston Park System is unqualified?

A. Unqualified.

Q. (By the CHAIRMAN.) A matter was brought up here this afternoon in connection with one contractor, Mr. Coleman. A statement has been made, and I want to have it clear in my mind, as long as you are familiar with the matter, about this gravel. What part of the Park Department was this gravel taken from?

A. Along on the Riverway, on the boulevard, coming from the Fens to Franklin Park.

Q. Where was that gravel put?

A. Well, I couldn't say, Mr. Chairman, but if I might be trusted as to my memory I might say that Coleman had a contract with the city of Boston somewhere to deliver gravel or filling at a certain price, and that he had certain places to which he might draw it, and the fact became known to somebody connected with the Park Department, or it became known to Coleman that we were removing gravel, and he came up to this place and looked the thing over, and it was called to Mr. Pettigrew's attention that, instead of carting the gravel away himself and paying for the teams to take the gravel away and dump it in a place which would be of no benefit to the Park Department — we had our dumps on the outside on private land — that, instead of paying teams to dump this, he might get Coleman or some other contractor to take it out. And that arrangement was made. In the first place, the arrangement was made that Coleman should only furnish the teams, and that we should do all the loading, but afterwards I think it was changed. We found that Coleman evidently liked that sort of thing, and I think we made him put some men in there and do a part of the digging.

Q. Was any of this gravel put into a street running into Huntington avenue, near the Martin School, that was being built by the city?

A. I couldn't say whether it was or not.

Q. Isn't it a fact that he filled in that street, and filled it with gravel taken from the park?

A. I don't know. We only looked at the fact that the Park Department was gaining an advantage by his taking it away.

Q. Was the gravel worth anything to the Park Department?

A. I have already testified that I gave to the Street Department of the city of Boston the privilege of taking the gravel away, and they took it away one or two days and found it didn't pay, and dropped it.

Q. The fact has been alleged that he took gravel from the Park Department for filling, and filled in a street, running into Huntington avenue, near the Martin School, selling it to the city. Whether that is true?

A. I don't know whether it is or not, but it seems to me if the city of Boston couldn't make it pay to take it out, when they had only the teaming to do, that Coleman couldn't get much advantage when he had to load it on the teams. He had extra work to do — did more than the city, loaded the teams. The city of Boston only carted it away, we loading the teams, and they soon refused to take it away, and we would have had to put it on our teams and dump it.

Q. This contractor, it is alleged, got the gravel from the Park Department, and sold it to the city of Boston, and filled in a street with it. Whether that is true?

A. I cannot deny your statement, but it seems to me the case is simple. The city of Boston, in one case, is building its own streets, and using its own gravel, and we give them the right to take gravel for the carting away. We agree to load the teams. The teams are loaded, and after one or two days' trial they say "we cannot make it pay. This gravel isn't good enough for us to use, or it is too much expense for us to come down here and cart it away."

Q. What time was this done?

A. At the same time that Coleman was taking his gravel away.

Q. What year was that — 1889?

A. Yes.

Q. (By Mr. MATTHEWS.) You mean 1899, don't you?

A. Yes, 1899 — I beg pardon — last year.

Q. (By the CHAIRMAN.) Have you bought any filling since?

A. No, not at all.

Q. None at all?

A. No, except at Neponset, which was bought in 1898; no other during my connection with the Park Department, except the filling that was put in the Back Bay some years ago. That is, when I say "Some years ago," I mean along from 1888 to 1890 and 1892.

Q. Well, if Mr. Coleman went to any private gravel bank he would have to pay something for it, wouldn't he?

A. I wouldn't be willing to state that he didn't pay anything for it now, although I don't think he did. I think he put the work into the department and helped the department out in the matter of expense. We considered that it was a distinct financial advantage to the Park Department to have Coleman take this gravel away. Any other contractor would have had the same privilege.

Q. How much gravel was taken from there at that time? How many yards?

A. From 300 to 800 or 900 yards, I should say.

Q. That was given to Coleman? You wouldn't say that he paid anything for that?

A. No. I considered that the Park Department was getting a financial advantage from his carting it away, even if he hadn't put any help in to load the teams.

Q. Had to take it away before that time?

A. Yes, sir. Before that we had our own carting away to do with our own teams, at a large expense.

Q. You had no other place to put it?

A. Had to dump it on private ground.

Cross-Examination.

Q. (By Mr. MATTHEWS.) This gravel that Coleman was getting was taken from the park ride, on the Fens?

A. From a seven-foot space on the ride, on the Fens.

Q. When you were putting in a planting space?

A. Yes, sir; taking out the gravel and replacing it with loam.

Q. Putting loam in the place where there was originally gravel?

A. Yes, sir.

Q. Hadn't clay been mixed with that gravel?

A. Yes, there was only six inches of clear gravel on top, and in that four inches of coarse gravel — that is, what we call screening, stone, and under that it was all clay and common fill.

Q. But hadn't the clay got mixed in the gravel itself in the ride?

A. Oh, yes, at the top enough clay had been mixed with the gravel to form a little footing for the horses.

Q. To make it bind?

A. To make it bind, yes.

Q. That was the reason it wasn't salable for gravel, wasn't it?

A. It wasn't salable for clear gravel — couldn't use it for concrete work, anything of the kind.

Q. Do you know whether any contractors were asked by Mr. Pettigrew whether they would pay anything for it, or whether they would take it off as a gift?

A. I know Mr. Pettigrew was looking for anybody to take that, and I think it was on that account that Coleman came forward. He probably never would have taken it except that he had a contract with somebody — I couldn't say whether with the city or not — to put in filling.

Q. Do you know whether any other contractor was approached with a proposition to take that gravel off for nothing, and refused to do so?

A. Mr. Pettigrew could give more testimony on that point, for the simple reason, as I stated before at one of the hearings, that my active control ended at Perkins street — that is to say, at Ward's Pond — and most of my work down there was done by telephone, and the active work down there was done more through Mr. Pettigrew's superintendency than my own.

Q. Well, this wasn't clear gravel? It was gravel and clay?

A. It couldn't be sold as clear gravel.

Re-direct Examination.

Q. (By Mr. LUNDY.) There was a lot of good sand there, wasn't there, Mr. Shea, in that gravel?

A. No, there was not.

Q. None at all?

A. No.

Q. Do you know what they paid for that gravel when they brought it and placed it there?

A. I couldn't say, but I should say that gravel of that kind, when it was brought and placed there, might be worth some ninety cents a yard. I couldn't give you the exact figures which they paid for it. It might be worth even a little more than that.

Q. Ninety cents a yard?

A. Yes.

Q. That is all.

A. After that gravel was screened, the coarse stone and stuff was put on the bottom, and there was clay and other material mixed in with the fine gravel at the top, in order to make it bind, so that when they got through it wasn't worth the same price they paid for it, for the reason that it was used for the equestrian bridle path.

TESTIMONY OF WILLIAM B. JEFFERY.—*Recalled.*

Q. (By Mr. LUNDY.) Mr. Jeffery, did you ever take a shanty, or a house, out to a farm belonging to you?

A. I never did. I haven't got any farm.

Q. Well, has any of your family a farm?

A. My wife has a farm.

Q. Where is that?

A. At Stoughton.

Q. Now, did you take a shanty, or any boards, or any material from the Park Department to your wife's farm at Stoughton?

A. No, sir.

Q. Or anywhere else?

A. No, sir.

Q. Did you ever tell Mr. Shea you did?

A. No, sir; I didn't.

Q. You did ask for a shanty, didn't you?

A. I tried to buy a sanitary shanty that was up on the hill by Sargent's woods.

Q. And what did you offer for it?

A. Twenty-five dollars.

Q. Who did you make that offer to?

A. Mr. Bean, the carpenter.

Q. What did he tell you?

A. He told me I could have it; and then, in two hours, he said I couldn't have it; and he afterwards laid a floor in it and took it over to Dorchester, as I was told, with him.

Q. So the shanty didn't come into your possession?

A. No, sir.

Q. And you never told Mr. Shea that you took it?

A. No, sir.

Q. (By Alderman JORDAN.) Where did you take that shanty to?

A. I didn't take it. I never touched it.

Cross-Examination.

Q. (By Mr. MATTHEWS.) Did you ever take any boards away?

A. No, sir; never took any boards.

Q. Nothing at all?

A. No, sir.

Q. Never carted any stuff away?

A. No, sir; I never did.

Q. You got permission from Mr. Bean to take this shanty, you say?

A. Yes, sir.

Q. But that permission was afterwards revoked?
A. What do you say?
Q. That permission was afterwards called back?
A. Yes, sir; it was.
Q. Well, you may have spoken to somebody before the permission was recalled, may you not?
A. I don't understand.
Q. You got permission in the first place from Mr. Bean to take the shanty off?
A. Yes, sir; he told me I could have it.
Q. How long was it after that that he told you you could not have it?
A. The same day.
Q. Several hours afterwards?
A. Yes, sir.
Q. Well, in the meantime, you could have told somebody that you were going to take it off?
A. No, sir.
Q. Isn't that possible?
A. No, sir.
Q. Didn't you speak to anybody about it?
A. I don't think I spoke to anybody about it. I think that Allen said that the shanty was going to be taken away, and he told me that Mr. Bean had the management of it, and I went to Mr. Bean about it.
Q. (By Mr. LUNDY.) Well, this is perfectly clear, that you did not expect to take away that shanty until you paid $25 for it?
A. That was the understanding.
Q. And that was the agreement you had with Mr. Bean?
A. Yes, sir.
Mr. LUNDY. — That is all.

TESTIMONY OF THOMAS CONNOLLY.

Q. (By Mr. LUNDY.) Your full name, Mr. Connolly?
A. Yes, sir.
Q. Your full name is Thomas Connolly?
A. Yes, sir.
Q. And where do you live?
A. Jamaica Plain — 11 Ballard place, now. I used to live on Jamaica street.
Q. Were you employed in the Park Department?
A. Yes, sir.
Q. Are you employed now?
A. Up to last Sunday, sir.
Q. Were you removed or suspended?
A. Suspended for disobeying orders.

Q. Whose orders did you disobey?

A. Mr. Allen's.

Q. And you had to do with the stable business?

A. Yes, sir.

Q. How long have you been with Mr. Allen?

A. Since the 10th of April last.

Q. Do you know anything about Mr. Allen having a horse of his own there at the stable, in your time?

A. Yes, sir.

Q. How long did he have him there?

A. Three or four weeks, until he got orders to take him away.

Q. Do you know anything about Mr. Allen shipping hay and grain away?

A. Yes, sir.

Q. How much of it?

A. Well, I see him take grain twice. I see him ship hay away once.

Q. Where did he take it to?

A. He took the grain in his own team, and he shipped the hay in an express wagon. There was no other place to go than where he had the horse.

Q. Did he have the horse in a separate stable at that time?

A. Yes, sir; at home at this time. He used to take him home at night, and keep him down in Union avenue, some place, at night.

Q. You are absolutely positive that he used to take this hay and grain?

A. I see him take it twice — the grain twice, and the hay once. The express wagon must have gone there, because there was not time to go anywhere else. The wagon was back again in about seven minutes.

Q. Just what orders from Mr. Allen did you disobey when he suspended you?

A. My double team was split up. I called Mr. Shea's attention to it. He gave me no satisfaction. Sunday I came in to clean my single horse and harness, and he told me to get over and clean the other horse that the single teamster had out, and to go out watering. I said I didn't think I was obliged to do it, because I had to be at Peter's Hill at eight o'clock, and work there until five and by the time I got back all the teamsters would have gone home. I said it wasn't my work to clean the horse. If the horse was clean, I would have gone out watering. He said, "Won't you clean that horse?" and I said "no." He said,

"Then you will go home." "All right," said I, "I will go home." He said if I went home I had to see Mr. Shea. So I went Monday morning to see Mr. Shea, and I says to Mr. Shea, "I can't go to work before I see you." He says, "What is the matter?" I told him what was the matter, and he says, "I can't do anything for you." I told him that if I did what they wanted me to do, all the rest of the teamsters would be laughing at me. He said, "That is what you are there for. If you don't like it, you need not be there at all." That is all there was to it.

Q. Whose horse was this other one?

A. Donnelly's. He had him on the express wagon the day before that.

Q. What is his name — Larry Donnelly?

A. No, sir; William Donnelly — a brother of his.

Cross-Examination.

Q. (By Mr. MATTHEWS.) This horse that Mr. Allen had in the park stables, he only baited there during the day, didn't he?

A. Yes, sir, the first time for three weeks; and I am not sure whether he got orders, but after that he didn't keep him there.

Q. Well, I ask you whether he kept him there at night?

A. No, sir; he took him home at night.

Q. What he did was to get one meal, in the middle of the day?

A. I don't know.

Q. Well, he wasn't there at night?

A. No, sir; he wasn't there at night.

Q. Wasn't that called to Mr. Shea's attention, and stopped by him?

A. I am not sure, sir.

Q. You said you thought it was stopped?

A. I wasn't sure he got orders to take it away, but he took it away.

Q. Well, you think so, don't you?

A. I know he didn't take him there at all after that.

Q. You think, to the best of your recollection, that Mr. Allen got orders from Mr. Shea to stop baiting him there at the park stables?

A. He didn't take him there after three or four weeks.

Q. (By Mr. LUNDY.) But he did take the hay and grain out?

A. Yes.

Q. (By the CHAIRMAN.) What is his name?

A. Mr. Allen.

Q. What do you mean by saying that he took hay and grain out?

A. Well, he took it out of the Park Department's stables.

Q. Where did he carry it to?

A. He carried it in the buggy home two nights.

Q. Where did he carry the grain and hay to?

A. He was driving home after the day's work.

Q. Do you know that he carried it home?

A. I suppose he did.

Q. That hay and grain belonged to the city?

A. Yes, sir.

Q. Belonged to the Park Department?

A. Yes, sir.

Q. And he was taking that home?

A. Yes, sir.

Q. How often did he do that?

A. Well, I saw him take grain twice and hay once. He didn't leave until 6 o'clock. The rest of the teamsters know it as well as I do.

Q. How much did he take?

A. Oh, just a little bag, three or four or half a dozen quarts at a time.

Q. Does he own his own horse?

A. He did at that time. I don't suppose he does now, because he got rid of it.

Q. Was that horse working for the city?

A. No, sir.

Q. He used the horse for his own use?

A. He bought that horse, and he afterwards got rid of it. He said he got another horse and $50 to boot.

Q. You maintain that he was feeding that horse out of grain belonging to the city? Is thatwhat you mean to say?

A. Yes, sir.

Q. You are sure about that?

A. Yes, sir.

Q. Making no mistake?

A. No, sir.

Q. (By Mr. MATTHEWS.) Did you tell Mr. Shea about at?

A. No, sir; I didn't. I thought it was none of my business; but so long as he wanted to throw me I thought it was time to set on him.

Q. So that, so far as you know, Mr. Connolly, that was never brought to Mr. Shea's attention or to the attention of any one in the Park Department?

A. I can't say anything about that, sir.

Q. What?
A. I can't say anything about that, sir.
Q. You don't know that Mr. Shea ever heard of it?
A. I am not sure he ever heard of it; no, sir.
Q. You were discharged yesterday?
A. Sunday — well, yesterday morning.
Q. And Mr. Allen did it?
A. He was the cause of it, sir.
Mr. MATTHEWS. — Yes. That is all.

TESTIMONY OF GEORGE F. CLARKE. — *Recalled.*

Q. (By Mr. LUNDY.) Do you know what wages Mr. Allen gets?
A. This Mr. Allen recently referred to?
Q. Yes, sir.
A. No; I do not.
Q. Over at the Head House, Mr. Bow is supposed to supply the coal, isn't he? That is in the contract here?
A. Well, if the contract reads that way. I understood that he supplied part of the coal, but not the whole.
Q. Isn't he, according to the terms of the lease, supposed to furnish the coal between October 15 and May 1, with certain provisions that it shall be charged up in the way of credits to him?
A. Yes, sir.
(The lease referred to was offered by Mr. Lundy, and was marked "Exhibit 58.")
Q. Now, do you know where the coal was bought last winter?
A. I don't think the building this present winter has been heated.
Q. Well, it was supposed to be heated?
A. No; I believe they stopped heating it.
Q. Under whose orders?
A. I think the Commissioners, with the superintendent, agreed that it wasn't advisable to continue heating it in the winter.
Q. That is, Mr. Pettigrew and the Commission came to the conclusion that it was not necessary to keep that place heated?
A. That is my recollection.
Q. Do you know how many feet of water was in the Head House this winter?
A. What?
Q. Do you know how many feet of water was in the Head House this winter?
A. I don't know there was any.

Q. Well, if there had been any, you would know it?

A. No, I don't think I should know it — not unless it was discussed at a meeting of the Board.

Q. Don't you think that it would be discussed at a meeting of the Board of Park Commissioners?

A. I know of no reason why it should necessarily be discussed.

Mr. LUNDY. — I should imagine it might be discussed. If a building of the Park Department was flooded, I think that might reasonably come before them.

The CHAIRMAN. — What Head House are you talking about?

Mr. LUNDY. — Marine Park.

The CHAIRMAN. — All right.

Q. (By the CHAIRMAN.) Was this lease, or this agreement, between Mr. Bow and the Park Department renewed this year?

A. No, it was a lease entered into in 1897, I think, and it extends for four years.

Q. It has three more years to run?

A. It was made in 1897, for four years, I think.

Mr. MATTHEWS. — Well, why not ask Mr. Clarke to produce the lease, Mr. Lundy? That would settle that.

Mr. LUNDY. — I have already produced the lease. (Exhibit 58.)

The CHAIRMAN. — I thought that was some agreement made this year.

The WITNESS. — No; not the Head House lease. Perhaps you are thinking of the Sheldon agreement.

Q. (By Mr. MATTHEWS.) The same thing, isn't it?

A. No. They are two leases. Sheldon is not responsible for the Head House. He has the boating privilege.

Q. (By the CHAIRMAN.) Sheldon's lease was renewed this year?

A. Sheldon's extension was. The vote to agree to an extension under certain conditions was voted in 1898, April 4. It is based on his paying so much per annum for the privilege.

Q. How many boats has Mr. Sheldon in the park system now?

A. I don't know the exact number. I think there are several hundred.

Q. Does he pay anything to the city for the privilege?

A. He doesn't.

Q. Do you know anything about the new landing that has been built on the Point?

A. I know something about it; yes.

Q. Do you know that he charges for the privilege of lockers there?

A. Well, I don't know that he does. I suppose he could, under his contract. He had a right to do it, under his contract.

Q. You know the City of Boston built it, of course?

A. Yes.

Q. And they have given the privilege to Mr. Sheldon for nothing?

A. Well, the contract with Mr. Sheldon provides that he shall have certain rights to let landing privileges — to take care of boats at a certain price, which is stated in his lease.

Q. The city receives no revenue and no profit at all from Mr. Sheldon, and yet he has the right to charge the people for landing there?

A. He has the right to care for boats at certain prices, which is stated in his lease.

Q. That is stated in his lease?

A. Yes — or in his contract.

Q. Did you ever hear of any opposition, or any complaint, made about that to the Park Commissioners?

A. The Park Commissioners had applications from one or two parties for the privilege of having a locker. They advertised in the daily papers, and also in the South Boston papers, to ascertain how much of a public demand there was for landing privileges at this new public landing. They got two answers. One was from a man named Nickerson, who stated, in answer to the questions which the Commissioners submitted to him in writing, that he had previously paid ten dollars for landing privilege, and ten dollars for locker privilege, making twenty dollars, but that those privileges had been done away with, and that he desired to have locker privileges in the new landing. The other man made a similar answer.

Q. Who is Mr. Nickerson?

A. I don't know. I have his application right here, if you would like to see it.

Q. Is he a boating man?

A. I think so. He doesn't belong to a yacht club, and that is the reason he wanted the privilege at this public landing. The answers to the Commissioners showed there was no public demand for a landing that should be under the control of the city, and that it would not be possible to let locker privileges to any great extent. Two answers were all they received.

Q. That is all you know about it, as Secretary of the Board? You don't know whether they should or should not do it?

A. Well, as I say, they investigated the matter very fully before they built this landing, in order to see how large lockers should be put into it. They decided that the demand was not such as to warrant them in providing any such accommodations as were asked for.

Q. Mr. Sheldon has quite a privilege from the Park Commissioners, hasn't he?

A. He has the privilege to let boats in the Park system. It is a question whether the city doesn't get more benefit than Mr. Sheldon out of it.

Q. (By Mr. MATTHEWS.) I would like to get one matter straightened out. I don't understand it myself. This contract was made with Mr. Sheldon in 1895?

A. Yes, sir.

Q. And it does not expire until December 31, 1900. That is right, isn't it?

A. Yes, sir.

Q. Consequently the present Park Commissioners have nothing whatever to do with it?

A. That is right.

Q. (By the CHAIRMAN.) You say that the Park Commissioners are receiving a benefit from this lease with Mr. Sheldon?

A. I said the city.

Q. I mean the city?

A. I should have said the citizens — the people who desire to hire boats, and who avail themselves of the boating privilege, I think, obtain a benefit in having Mr. Sheldon there.

Q. Mr. Sheldon is receiving a benefit by letting out boats, and that in spite of the fact that he is a non-resident and a bankrupt man?

A. Well, if he is bankrupt, perhaps this very contract has bankrupted him.

Q. We get that in the court records, that he has gone into bankruptcy. He is a non-resident, and doesn't belong in this city, and you say the city is obtaining great benefit, when it is alleged that there are hundreds of people who would like to get that privilege, and who couldn't get it — citizens, residents, taxpayers; men that have a family here and that have a habitation here?

A. I don't know who could take the privilege and supply the boats that Mr. Sheldon did. It takes a very large capital.

Q. Well, couldn't other people buy boats?

A. He had a very large supply of boats, and he could do it better than anybody else at that time.

Q. He could do it better?

A. He could put more boats on. He would take the risk of putting more boats on, and of covering all the locations.

Q. It is fair to say there are other men who could get just as good boats, who are interested in the city, who are heavy taxpayers, and who have lived here all their life?

A. I don't believe —

Q. And yet, you would say that we are receiving a benefit from Mr. Sheldon?

A. I don't think there were any applications from any person at the time to take the contract which Mr. Sheldon did.

Q. (By Alderman JORDAN.) Mr. Clarke, whom do you take your orders from?

A. From the Commissioners, sir.

Q. How often do you see the Commissioners?

A. I see them quite often. I come to town, to the Chairman's office, several times a week, and I see them at the meetings of the Board. I see the other Commissioners occasionally.

Q. How often do they meet?

A. Weekly, and special meetings in the middle of the week, at other times.

The CHAIRMAN. — That is all, Mr. Clarke. Any other witnesses?

Mr. LUNDY. — Is Martin Connelly here? (No response.) There is a man I want. He is under summons.

Mr. MATTHEWS. — What is his name, Mr. Lundy?

Mr. LUNDY. — Martin Connelly.

The CHAIRMAN. — Is he employed by the Park Department?

Mr. LUNDY. — Yes, sir; and he has been summoned. And McNulty isn't here now, either.

Mr. MATTHEWS. — I would like to suggest at this time the putting on of the surveyors of that loam.

The CHAIRMAN. — Who do you want to get in?

Mr. LUNDY. — Martin Connelly, particularly.

The CHAIRMAN. — When do you suppose you can get the persons who are sick?

Mr. MATTHEWS. — Who do you want that is sick?

Mr. LUNDY. — Mr. Stratton and Mr. Pratt and Mr. Pettigrew.

Mr. MATTHEWS. — I saw Mr. Stratton, and he will be here at the next hearing; and he will notify Mr. Pratt to-morrow morning. He said he didn't know whether he would be able to undergo any long examination. We have notified Mr. Stratton himself to be here to-morrow.

The CHAIRMAN. — Then, you will have Mr. Stratton and Mr. Pratt here to-morrow?

Mr. MATTHEWS. — We will have Mr. Stratton, and Mr. Pratt, if possible. Do you want Mr. Radman?

Mr. LUNDY. — No; I think we have got in enough of gardening.

Mr. MATTHEWS. — I hope you will not omit the loam experts, and the surveyors.

Mr. LUNDY. — I wouldn't think of that.

The CHAIRMAN. — Your side of the case is in, with the exception of Mr. Pettigrew and Mr. Pratt?

Mr. LUNDY. — Well, with the exception of Mr. Pratt and Mr. Stratton, and Martin Connelly, and one or two of my other witnesses, and the loam experts. I am not going to put Mr. Pettigrew on. They can all be put on in a very short time.

The CHAIRMAN. — You will have them here to-morrow afternoon?

Mr. LUNDY. — Yes, sir.

The CHAIRMAN. — And that will be your side of the case?

Mr. LUNDY. — Well, practically.

The CHAIRMAN. — Mr. Matthews, when do you think that Mr. Pettigrew can be here?

Mr. MATTHEWS. — Well, Mr. Pettigrew, I think, will be in condition to appear the first of next week. If Mr. Lundy is going to call him as a witness, I think we can promise to have him — or I will put him on as a witness.

The CHAIRMAN. — You will put him on yourself?

Mr. MATTHEWS. — Yes, as the first witness. I shall ask the committee to take a reasonable adjournment after Mr. Lundy has finished his case, to allow me to look over the testimony.

The CHAIRMAN. — I am satisfied that we will get through to-morrow.

Mr. MATTHEWS. — I think that at some time the committee should take a view, with the counsel and Mr. Pettigrew. I think we had better postpone that until Mr. Pettigrew can get around.

The CHAIRMAN. — How long a postponement do you want, Mr. Matthews?

Mr. MATTHEWS. — I think I should like two weeks, after I get this evidence in print.

The CHAIRMAN. — Isn't that a long time?

Mr. MATTHEWS. — Well, I hardly think so. Ordinarily, we would want a much longer time to examine the testimony. We had no notice at all as to what the testimony was to be.

I want to go all over the matter carefully, to save the committee's time. If I have time to read the testimony over, and have a few days to go over it with witnesses, I can save a great deal of time.

The CHAIRMAN. — We have been working pretty rapidly.

Mr. MATTHEWS. — So rapidly that I have not had time to digest the evidence. I should ask for two weeks after I get the printed evidence in full — not in page form, necessarily, but in galley form. I don't know when that will be, but the Printing Plant is working rapidly.

The CHAIRMAN. — You want that length of time before you put Mr. Pettigrew on the stand?

Mr. MATTHEWS. — Oh, when I begin I will finish up.

The CHAIRMAN. — Then, practically after to-morrow's hearing, you do not want to go on for two weeks?

Mr. MATTHEWS. — Well, I should think I might be able to get the printed testimony by Friday, and the committee might go on two weeks from, say, the following Monday, or two weeks from next Tuesday. You see, Mr. Lundy very excusably did not furnish us with any specifications. I suppose I might ask him now to give us a detailed statement of the facts upon which he expects to rely. That would cause him to spend a week on it. I am willing to go through it myself and pick out the points that I should judge he will rely upon. I have got to have time to read the testimony over, and to talk with the witnesses, and then I will be ready to go on.

The CHAIRMAN. — The hearing stands adjourned until two o'clock to-morrow, sharp.

Adjourned, at 9.30 P.M., to meet on Wednesday, April 4, at 2 P.M.

EXHIBIT No. 57.

SPARE THE TREES.

PUBLIC PROTEST TO DEVASTATING THE PARKS.

ANIMATED HEARING AT PINE BANK.

W. H. Winslow, N. H. Dole, Dr. E. P. Gerry, G. C. Mann, Wm. Brewster of Cambridge, J. J. Enneking of Boston, Frank T. Merrill of Dorchester and others voice the feeling of the People — Large attendance of well-known men and women — The Commissioners defend their course and read a letter from Professor Sargent — H. E. Hunnewell supports them.

The interest of the public in the welfare of the park system was very manifest at the office of the Park Commission, at Pine Bank Building, on Monday afternoon, when a considerable number of people appeared in remonstrance to the deforesting of the parks. Mr. W. H. Winslow of Perkins street was the spokesman for the remonstrants, and he presented a petition of protest against the course of the Commission in its treatment of the forestry of the park system. The petition was as follows:

To the Board of Park Commissioners of the City of Boston:

As you know, considerable dissatisfaction exists with some of the work authorized by former Park Commissioners in respect to the unnecessary removal of trees and shrubbery and the substitution of costly artificial for natural features. Understanding that in such matters you now rely upon your superintendent, Mr. Pettigrew, who himself does not wish to be wholly responsible, we, the undersigned, would therefore ask if you will co-operate with certain gentlemen selected from a list of names we propose to offer you, allowing them to share in the responsibility of removing natural features, including trees and shrubbery, in the future, especially in Franklin Park and near Jamaica Pond. The names we refer to will be those of representative citizens, some of whom live near, and all of whom are interested in our parks, and whom

we are sure you would admit to be entitled to influence and a definite voice in the matter in question. Asking a favorable reply at your earliest convenience, we are very respectfully yours.

Charles B. Cumings,
Charles S. Gill,
Francis V. Balch,
George H. Burt,
Clifton E. Wing, M.D.,
Charles F. Curtis,
Wm. H. Spooner,
Eliza C. Cleveland,
John Duff,
Paul F. Folsom,
Charles F. Dole,
Edward W. Brewer,
William Rotch,
Ellis Peterson,
S. Waldo French,
David S. Greenough,
Thomas G. Rees,
Chas. S. Penhallow,
Frank F. Downes,
Frank W. Reynolds,
Edward Ellis,
Robt. T. Edes, M.D.,
Charles Vose.

The remonstrants included quite a number of ladies and well-known citizens. Of the latter there were noticed, besides Mr. W. H. Winslow and Mr. N. H. Dole, who were the leaders of the movement, Mr. Wm. Rotch of Pond street, Head-Master G. C. Mann of the High School, Dr. E. P. Gerry, Mr. C. F. Curtis, Mr. Frank T. Merrill, Prof. Brewster, Mr. John J. Enneking, the artist, Messrs. F. F. Downes, S. Q. Currier, W. C. Durfee, R. W. Morville, G. W. Flynn, T. J. Stearns, F. B. Roeth, N. B. Prescott and others.

Before presenting the petition, Mr. Winslow made a brief statement of the position of the remonstrants. They wanted the maximum of nature and the minimum of artificiality, showing the natural wildness just as much as possible. That the commissioners honestly desired the best results was not doubted, but their ideas appeared to be quite different from those of the people. It might be said that the public were too ignorant of this subject to appreciate a perfect park. If that be so, the perfect park could wait until the people were educated up to it. The people objected to the substitution of artificial features, at great cost, for the natural. As instances of the objectionable methods pursued, Ward's and Jamaica Ponds were cited, these having suffered the loss of much shrubbery and made to look barren and unnatural. The people promoting this remonstrance, the speaker said, did not seek to control those in authority, but to suggest and assist them. As a practical solution they offered the memorial printed above.

Mr. Winslow then read letters of protest from Prof. W. O. Crosby, Dr. R. T. Edes and Miss E. C. Cleveland of Nutwood, Perkins street, and called on several gentlemen to speak, namely: Prof. Brewster, a recognized authority on ornithology; Mr. George A. Enneking of Boston and Mr. Frank T. Merrill of Dorchester, both prominent artists; Mr. George C. Mann, Dr. E. P. Gerry, Mr. Wm. Rotch, a nephew of Prof. Arnold, for whom the Arnold Arboretum was named. Others who spoke were Mr. T. J. Stearns of Park lane, Dr. Barnes of Beacon street, Mrs. Noble and another representative of the Roxbury

Woman's Club, and Mr. N. H. Dole. Their expressions were unanimous in disapproval of the cutting away of many trees and much shrubbery in various parts of Franklin and Jamaica Parks and other parts of the system. They felt deeply aggrieved at the loss of nature's ornaments, and of the wild and natural effects.

Prof. Brewster emphasized the fact that the clearing of shrubbery drove away the birds in great numbers, depriving them of nesting and feeding places, and in many places he had observed great detriment in park preserves from this cause. He thought that the Commission had been very unfortunate in having the advice of Prof. Charles S. Sargent, for, while he did not question his standing and knowledge as an arboriculturist, he did consider him incompetent to deal with forestry from the standpoint of an artist.

Mr. Enneking was next called. Last year the Boston Art Club appointed him to examine into this matter, and he found that many trees had been cut down, and from an artist's point of view great harm had been done. It might be necessary to experiment with trees in an arboretum, but it should not be done in a park. Art and science looked at things from very different standpoints. The artist dwells upon the natural and accidental. No scientist can reproduce exactly the effects of nature. He cannot compete with the Almighty, although great things have been accomplished in landscape gardening. At the same time many of these things had better have been left undone, and while securing thereby the real object, great and unnecessary expenditures would have been saved. Just as far as possible nature should be left untouched, even to the remaining of a dying tree. The speaker became eloquent in the course of his remarks.

Mr. Frank T. Merrill, Mr. G. C. Mann and Mr. T. J. Stearns specified several places where the thinning-out process had been in operation, despoiling the beauty and seclusion. Dr. Gerry and Mr. William Rotch spoke effectively in the same line: Did not come to scold, but to offer an earnest protest. They were not all experts, but they had a love of nature, and were pained at the work that had been done.

The remonstrants were heard by Chairman Charles E. Stratton and Acting Commissioner John T. Wheelwright. Commissioner Laban Pratt was ill and therefore absent. In reply, Mr. Stratton said that the Commission was glad to give the remonstrants a hearing, and preferred to meet them rather than to have them rush into print. There was no difference existing in the matter of desire of making the parks beautiful, but naturally those conducting the work might on good grounds differ as to how the object should be accomplished. In support of his statement, Mr. Stratton said they had bought 30,000 trees and 100,000 shrubs, to be set out. They were governed by the advice of Prof. Charles S. Sargent of Brookline, who is an authority of arboriculture. Nothing had been stripped, and the cutting and other work that had been done would make the growth denser. Trees

that interfered and that were dying had been removed. The object is to promote natural conditions, and in order to preserve the parks in their best form for the future a certain amount of attention is necessary.

Mr. Wheelwright, residing from boyhood near the park, felt that he could speak from observation as a citizen as well as knowledge gained on the Board. The Commissioners regretted the removal of underbrush from the shores of Jamaica Pond, but it was necessary to insure future growth to the trees. Prof. Sargent was averse to the removal of shrubbery except when necessary. Explanation was given of some of the other work. They must have a plan, and in some instances resort to artificial means and effects; sometimes thus in the planting of border trees. The work done around Jamaica Pond and the Parkman estate would be for the better. The Dabney place at Franklin Park was so dense and dark that something had to be done. The Commission wished to keep this domain entrusted to them in its natural beauty, and they had resorted to the best advice possible — Prof. Sargent. The superintendent, Mr. Pettigrew, was a lover of nature and a man of wide experience in the work.

At the request of Chairman Stratton, Mr. H. E. Hunnewell of Wellesley spoke in defence of the Commissioners' methods. The hearing was then closed, Mr. Stratton stating that the matter would be considered and an answer would be given later.

The following letter from Prof. Sargent was read by Mr. Stratton, during his reply to the remonstrants:

One would suppose, in reading the letters on the subject in the newspapers, that large areas in the parks had been deforested, that is, stripped of their trees. The truth is, that no part of the park has been stripped of its trees, and what cutting has been done will have the tendency to make the tree-growth denser and therefore more valuable. It is safe to say that there is not one person in this community, not excepting Mr. Pettigrew himself, who could point out with certainty any spot where a tree was cut in the parks last year without examining the ground to find its stump. This simply means that when trees are judiciously thinned out, those that remain grow so rapidly that they soon fill up vacant spaces, and the cut trees are not missed.

A great deal of the cutting which is being done in Franklin Park is undertaken with the intention of restoring the woods, as far as possible, to their natural condition by the removal of what may be called tree weeds, like locusts, wild cherries, etc., which have spread through man's agency, and which so cover in some places the surface of the ground that there is no opportunity for the development of the natural undergrowth.

I feel perfectly satisfied that everything that is being done is all right, and all I can say is that if the land was my own I should treat it in the same way. They (the objectors) are incapable of looking ahead or realizing what would become of the parks at the end of a few years if the trees were allowed to remain neglected as they have been.

EXHIBIT No. 58.

LEASE.

BOARD OF PARK COMMISSIONERS
OF CITY OF BOSTON,
TO
L. E. BOW.

HEAD HOUSE, MARINE PARK,
May 15, 1897, to December 31, 1901.

City of Boston, a municipal corporation in the Commonwealth of Massachusetts, by the Board of Park Commissioners of said city, hereinafter designated as Board, and L. E. Bow, of said Boston, hereinafter designated as Lessee, agree as follows:

ARTICLE I. The Lessee, for the term consisting of the time between May 15, 1897, and December 31, 1901, shall have the exclusive right of furnishing refreshments in the building at Marine Park, in said Boston, known as the "Head House."

ARTICLE II. The Lessee during said term from eight o'clock A.M. to eleven o'clock P.M., of each day from May 15th, to October 1st, of each year prior to December 31st, 1901, shall furnish to persons in said Head House applying therefor and paying the prices approved by the Board, such refreshments as shall from time to time be required by the Board to be furnished therein; shall keep all said premises clean and well lighted, heated, watched and guarded during said term, but it is agreed that between October 15th and May 1st in each year the Lessee shall furnish the coal for heating the building and the Board the service requisite for heating.

ARTICLE III. The Lessee during said term shall cause at least one special police officer from twelve o'clock M. until ten o'clock P.M. of each day, and at least one watchman from ten o'clock P.M. to twelve o'clock M. of each day, to continually move about said premises, maintain order, and a proper behavior of the persons thereon; protect the building, and other property thereon from injury or misuse; guard said property from fire; and prevent any bicycle from going upon any part of said Head House, promenades or pier; shall cause one other man from twelve o'clock M. to ten o'clock P.M. of each day to be at the bicycle concourse; and, without charge therefor, shall check bicycles, provide suitable coverings for bicycles in case of rain, keep a pneumatic pump and allow the use thereof to persons having bicycles; shall employ a fireman or engineer approved by the Board, and shall employ such other assistants as shall from time to time be required by the Board, and shall not use any coal other than anthracite; but it is understood that during the period in each year, when the Board is furnishing the service requisite for heating, the Lessee shall not be required to carry out the provisions of this article in regard to the employment of a special police officer or watchman.

ARTICLE IV. The Lessee shall cause each of his employees to wear such uniforms and badge as shall be required by the Board, and shall see that none of them accepts any tip or like fee for his services.

ARTICLE V. The Lessee shall cause to be printed on his bills of fare, and shall cause to be posted on said premises or Park, only such notices as shall be approved by the Board.

ARTICLE VI. The Lessee shall permit only such music to be played, and only such entertainments to be given, on said premises as shall be approved by the Board.

ARTICLE VII. The Lessee shall not prevent the public from making a proper use of said premises not interfering with the carrying on of his business, nor shall he assign this contract, or under-let the whole or any part of said premises without the consent in writing of the Board, nor shall he interfere with or obstruct the Board in making improvements.

ARTICLE VIII. The Lessee shall cause a man and a woman to be at the bath houses from eight o'clock A.M. to eight o'clock P.M. of each day, and shall employ such other attendants as may be necessary to maintain order and keep the bath houses and passageways clean, and to render such other service as may be required in the bath houses.

ARTICLE IX. The Lessee shall permit only one door from the bath houses to the beach on the north side of the house and one door on the south side to be opened; and shall permit no persons except bathers in the bath houses and passages, and shall permit no persons in bathing clothes elsewhere than on the beach and in or among the bath houses; shall provide a safe for the storage of valuables of bathers while they are bathing, without extra charge; shall supply the shower baths with cold salt water and hot water in sufficient quantities and proper temperature to make the bath operative at all times, except on rainy days.

ARTICLE X. The Lessee shall provide that the attendants shall be persons competent to save the lives of persons who may be in danger of drowning; that it shall be a part of their duty to keep a lookout for accidents and give assistance when needed; shall cause during crowded occasions a man to be stationed in a boat near each of the two beaches for this express purpose.

ARTICLE XI. The Lessee shall conform to the following schedule of prices for the use of the bathing facilities and bath house, and also to such regulations in regard thereto as the Board shall from time to time make.

SCHEDULE OF PRICES.

	Cents.
Use of men's bath house one hour, including bathing suit of two pieces, to be approved by the Board, and towel . . .	10
For extra quality of bathing suit an extra charge may be made.	
Shower bath	15
Shower bath, including bath house	20
Use of women's bath house one hour, including bathing suit and towel	15
For an extra quality of bathing suit an extra charge may be made.	

ARTICLE XII. The Lessee shall conform to such reasonable regulations in regard to the use of the premises including the bath houses and toilet rooms by the public as the Board shall from time to time make, and the Lessee shall provide toilet paper free, and properly take charge of and keep clean the toilet rooms.

ARTICLE XIII. The Lessee shall pay all water rates assessed upon the premises; shall make all material repairs of the Head House and bath houses, including painting, renewals and repairs to the fixtures, and shall on the 15th day of October in each year:

First: If the gross receipts for the season shall exceed ten thousand dollars, and not exceed twenty thousand dollars, pay to the City five per cent. on said gross receipts in excess of ten thousand dollars up to said twenty thousand dollars.

Second: If the gross receipts for the season shall exceed twenty thousand dollars the Lessee shall on said fifteenth day of October in each year further pay to the City 7½ per cent. on the said excess above twenty thousand dollars.

The sums paid by said Lessee for coal and heating the buildings each year between October 15th and May 1st, and the sums paid by him for lighting the pier during the same period, shall be credited to the said Lessee on October 15th of each year as against any moneys agreed to be paid by him in this Article, and if said moneys do not equal the amount of said payments for these two purposes by the said Lessee, the difference shall be refunded by the Board to the said Lessee.

ARTICLE XIV. The board may terminate this contract in case the Lessee shall become insolvent, or at any time after the Lessee shall violate any of its provisions, by giving the Lessee in hand, or sending to him by mail to said Head House, two weeks' notice to that effect, and all the rights and privileges of said Lessee under this agreement, at the expiration of said two weeks, cease.

Dated this May fifteenth, 1897.

CITY OF BOSTON
by
CHARLES E. STRATTON,
LABAN PRATT,
JOHN T. WHEELWRIGHT,
Board of Park Commissioners of the City of Boston.

Approved for Form.
JOHN T. WHEELWRIGHT,
Assistant Corporation Counsel.

Approved,
JOSIAH QUINCY,
Mayor.

L. E. BOW,
Lessee.

EXHIBIT NO. 59.

BOSTON, May 17, 1898.

At a meeting of the Directors of the Boston Public Parks Boat Service Company, duly called and this day held at 82 Devonshire street.

Present: Messrs. William E. Sheldon, Washington G. Benedict and Roswell C. Downer, constituting the full Board of Directors. The following votes of the Park Commissioners of the city of Boston were then read:

Voted, That William E. Sheldon's assignment to the Boston Parks Boat Service Company be approved.

Voted, That in consideration of the placing of several new boats in the Park Boat Service at large expense, the concession to the Boston Parks Boat Service Company be extended from and after December 31, 1900, for a period of three years, provided that the service shall be carried on by the said company to the satisfaction of the Board, and provided that the said company shall pay to the city of Boston, in advance for each year of the said extension, the sum of one thousand dollars ($1,000), also

Voted, That at the expiration of said extended term, the company may have the option of a further extension of said concession for the period of three years in addition, provided that the service shall be carried on by said company to the satisfaction of the Board, and provided it agrees to pay for each year of said further extension a sum to be determined by the Board at the beginning of said last extended term.

Voted, That the Board consents to the withdrawal of the boat service from Leverett Park.

A true copy.

Attest: GEO. F. CLARKE,
Secretary.

On motion it was

Voted, That we accept the extension, as approved by the above votes, of the agreement entered into between William E. Sheldon and the city of Boston acting by its Board of Park Commissioners, dated March 4th, 1895, by which agreement said William E. Sheldon was granted certain rights and privileges until December 31, 1900, which contract William E. Sheldon has assigned to the Boston Public Parks Boat Service Company, and which assignment has been approved by the said Park Commissioners of the city of Boston: said extension to be accepted with the provisions and conditions contained in the said vote of the Park Commissioners of the city of Boston, which has been read.

And the President is hereby authorized to sign the contract on behalf of this Company for the said extension, also directed to cause a copy of this vote to be filed with the Park Commissioners of the city of Boston.

A true copy. WM. E. SHELDON.

Attest:

EXHIBIT No. 59½.

AGREEMENT BETWEEN THE CITY OF BOSTON AND WILLIAM E. SHELDON, PROVIDING FOR A BOAT-SERVICE IN THE PUBLIC PARKS.

This Agreement, made and entered into in the City of Boston, County of Suffolk, and State of Massachusetts, this fourth day of March, eighteen hundred and ninety-five, by and between the City of Boston, acting by its BOARD OF PARK COMMISSIONERS, party of the first part, and WILLIAM E. SHELDON, of Braintree, County of Norfolk, State of Massachusetts, party of the second part,

Witnesseth, said City of Boston hereby grants to said party of the second part, so far as it can lawfully do so, the exclusive right and privilege from the date hereof until December 31, 1900, of maintaining and operating for hire a public boat-service in the waters of the park system of said City, and of conveying passengers by water to and from the different landings in said park system controlled by said Park Commissioners, subject, however, to the conditions and restrictions herein set forth.

Said City agrees to provide, at its own expense, such jetties, shelters, offices, store-rooms for boats and fittings, landing conveniences, excepting floats and gangways, as the said Commissioners shall deem necessary, and at its own expense to drive all piles necessary for mooring the said floats.

Said party of the second part, for and in consideration of the above-described rights and privileges, agrees and promises to furnish, at his own expense, boats for the purpose of accommodating the visitors to the public parks, for hire, so many in number as may be necessary, and of such varying sizes and styles, as in the judgment of the Park Commissioners may be desirable.

Said party of the second part agrees and promises that the number of boats furnished under this agreement during the first of the present season shall not be less than

Eighty (80) Whitehall boats,
Forty (40) St. Lawrence skiffs,
Twenty (20) fishing boats,
Fifty (50) canoes of various styles,
Twenty-five (25) Adirondack and Lenox boats,
Four (4) electric launches,

and that the number of boats shall be increased, from time to time, as the requirements of the public shall demand, in the opinion of the party of the first part.

Said party of the second part agrees that the boats furnished by him shall be first class in every respect; of dimensions, material, style, and finish approved by the landscape architects of the said party of the first part in accordance with the specifications hereto annexed. All awnings, decorations, and colors shall be satisfactory to the said landscape architects, and all the employees shall be appropriately clothed in uniforms approved by the said party of the first part.

Said party of the second part agrees to provide at his own expense as many employees on the several boats and at the several landings as may be necessary for the proper conduct of the business, and for the safety of the public; that no sailing-boats shall be let to any person unless accompanied by a competent sailing-master, furnished by said party of the second part, and that the charges for the use of any and all boats shall be at all times reasonable and just, subject to the approval of said party of the first part, and not in excess of those usually charged in the vicinity of Boston for the service of the most nearly corresponding character, provided that the minimum charge for the use of boats let for periods of time shall not be fixed at less than twenty-five cents per hour.

Said party of the second part further agrees that he will commence to operate at least one-half of the boats to be furnished during the first season on the 20th day of May, 1895, and will supply boats as fast as, in the opinion of the party of the first part, they are required by the patronage, and that he will continue to operate the said boats during such hours of the day, and during such months of the year, as may be required by the said party of the first part.

Said party of the second part agrees that he will indemnify and save harmless the said party of the first part from any loss arising out of, or sustained on account of any damage to persons or property occasioned by the operation of said boats, it being understood and agreed that he is to have full control of said boats, floats, and gangways, subject to the regulations of the Park Commissioners.

Said party of the second part agrees and promises that he will at any time permit the said party of the first part, or any one authorized by it, to inspect and examine any and all of said boats and their appurtenances, and that he will maintain and operate said boats to the satisfaction of said Board of Park Commissioners.

Said party of the second part agrees that he will observe and cause to be observed by his employees and patrons, so far as he may be able to do so, all police, sanitary, and other rules and regulations of whatever sort now existing, or hereafter to be adopted by said party of the first part, for the general government and regulations of the park grounds and waters.

Said party of the second part agrees and promises that he will afford the said party of the first part, or its officers or agents, transportation without charge on said boats, and agrees that in case of accident to any person, any of his boats may be, at once and without charge therefor, taken by any police officer or other employee of the party of the first part for use in such emergency.

Said party of the second part agrees and promises that he will provide and keep for rental an adequate number of suitable boats for use for fishing, of a pattern to be approved by the party of the first part, and to be well-found for the purpose, to the satisfaction of said party of the first part, and that no fishing shall be allowed in any other boats than those thus provided for that purpose.

Said party of the second part agrees and promises that he will, at such points as may be designated by the party of the first part, and for a compensation not greater than seventy-five cents ($0.75) per week for row-boats, and one dollar and twenty-five cents ($1.25) for sail-boats of twenty feet or less in length, store and suitably care for any boats and boat furniture owned by private parties who may desire to obtain such storage and care from said party of the second part.

Said party of the second part agrees and promises that he will, wherever the patronage will warrant it in the opinion of the party of the first part, maintain lines of omnibus or ferry boats, running over prescribed routes at regular intervals, and operated either by oars or by power, for the convenience of such persons as prefer to patronize such boats and pay by the trip instead of by the hour.

It is understood and agreed that said party of the second part may at any time he thinks desirable for the purpose of enlarging the business, and for his own convenience, take in one or more partners or put it into a corporation by getting the consent of the party of the first part before doing so, and upon the forming of such a company or corporation the party of the second part shall assign and transfer to said company or corporation, all rights, privileges, and obligations contained in this agreement, and it is agreed and understood by and between the parties hereto that such assignment and transfer shall be assented to or approved by said party of the first part, and that no assignment, transfer, or other disposition of this license or of any of the rights and privileges by it conferred shall be made by said party of the second part, or his assigns, unless such assignment, transfer, or disposition shall be satisfactory to said party of the first part.

It is mutually understood and agreed that, in case said boat-service and the exercise by said party of the second part, or by said company or corporation, of the rights and privileges conferred by this agreement, are not satisfactory in all respects to the Board of Park Commissioners, or are not, after notice thereof, made satisfactory to them, said Board may terminate this license by giving to said party of the second part, or his assigns, six months' written notice of their intention to terminate the same, and all the rights and privileges granted by this agreement or license shall thereupon be forfeited at the expiration of said six months.

CITY OF BOSTON,
By JOHN F. ANDREW,
FRANCIS A. WALKER,
EDWARD C. HODGES,
Board of Park Commissioners.
WILLIAM E. SHELDON.

Approved.
EDWIN U. CURTIS,
Mayor.

Approved as to form.
THOMAS M. BABSON,
City Solicitor.

ELEVENTH DAY.

CITY HALL, April 4, 1900.

The Committee met in the aldermanic chamber, City Hall, at two P.M., Chairman NORRIS presiding, and all the members present.

Appearances — same as before.

The CHAIRMAN. — The Committee will come to order, and the hearing will be resumed.

Mr. LUNDY. — Is Martin Connelly here?

Mr. Connelly came forward and was sworn.

TESTIMONY OF MARTIN CONNELLY.

Q. (By Mr. LUNDY.) Your full name is Martin Connelly?

A. Yes, sir.

Q. Where do you live?

A. South Boston.

The CHAIRMAN. — Talk right up, Mr. Connelly, so that we can all hear you.

Q. (By Mr. LUNDY.) Whereabouts in South Boston? What street and number?

A. 274 Bolton street.

Q. You have been employed in the Park Department for a number of years?

A. Yes, sir.

Q. How long?

A. Sixteen years.

Q. Are you working in the Park Department now?

A. No, sir.

Q. When were you suspended or removed?

A. Well, on the last set at Marine Park.

Q. That was in February?

A. Yes, sir.

Q. You were suspended then?

A. Yes, sir.

Q. Did you understand that was because there was not enough funds?

A. Well, I don't know. I couldn't say that.

Q. Well, you were suspended. Now, you know Mr. J. J. Abbott, don't you?

A. Yes, sir.

Q. And what did he do at Marine Park when he was there?

A. Well, as far as I see, he was measuring the loads.

Q. Well, now, you saw a great deal of Mr. Abbott didn't you?

A. No, sir, I didn't seen John Abbott much. Of course, I was in a different gang from him — a different gang altogether.

Q. How often did you see him?

A. I see him through the day, but I wasn't on the same work with him.

Q. Did you ever see him drunk?

A. Well, I can't say — no, sir; I didn't. There is no use for me to tell a lie. I am on my oath.

Q. That is certainly a fact, that there is no use in your telling a lie And you never saw him drunk?

A. No, sir; I didn't.

Q. Did you ever see Mr. Abbott in the shanty over there when he was not able to attend to his work?

A. Well, I didn't.

Q. Well, have you ever told anybody that you did?

A. No, sir; I didn't.

Q. You have never told anybody that you saw him drunk in the shanty there?

A. No, sir; I didn't. I couldn't, because I didn't see him drunk.

Q. All that you saw about Mr. Abbott would indicate that he was a man of sober habits?

A. That is all I saw.

Q. Always attended to his work, as far as you know?

A. Yes, sir.

Q. You knew Mr. Weidener?

A. Yes, sir.

Q. You know he had a yacht?

A. I know he had.

Q. Did you ever see him on the yacht?

A. Yes, sir; and often.

Q. Very often?

A. Very often; and he wasn't in the yacht sailing, but in the yacht fixing her and doing something to her.

Q. And did you see him in the yacht during the daytime?

A. Yes, sir; himself and his son, in the city time.

Q. Would you see him out as long as an hour in his boat?

A. I did; and two hours.

Q. And two hours?
A. Yes.
Q. Do you know Kelly?
A. Well, I see him once.
Q. Do you know Eugene Eichorn?
A. No, sir.
Q. Do you know Albert Eichorn?
A. No, sir; I don't.
Q. Don't know any of the contractors?
A. No, sir.
Q. Did you ever see Kelly out in the boat?
A. Well he would be out a hundred times unbeknownst to me.
Q. Well, of course, what he might do unbeknown to you makes no difference. What I want to know is whether he used to be out there, from your own personal knowledge? Did you ever see him out on the boat?
A. I didn't see him, because he would be out unbeknownst to me.
Q. But you do know that Weidener used to be out there?
A. Yes, sir.
Q. And that he was out there during the time that he was supposed to be bossing a gang of men?
A. Yes, sir.
Q. Now, did you plough over the ground at Marine Park?
A. Yes, sir; every inch of it; and I cultivated it all last summer.
Q. Do you know what depth of loam they had there?
A. Well, I found four inches of loam when I ploughed the first. I told Mr. Weidener — says I, "I can't plough this; there isn't but four inches of loam." He says, "Don't you mind. Go ahead and work away. Don't mind what loam is in it."
Q. How much ground did you cover when you discovered there were only four inches of loam?
A. I couldn't say how much I plouged before I discovered it, but I ploughed about half an acre.
Q. About half an acre?
A. Yes, sir.
Q. And what part of the grounds was that in?
A. That was near the walk, going into the Marine Park — not into the Park, but to the Fort.
Q. And you found only about four inches of loam?
A. There was loam four or five times put on since.
Q. Since when?
A. Since when I found it out.

Q. When did you find it out?

A. In the first of the fall, after putting the loam on. It was put on in the spring, and I ploughed in the fall.

Q. In the fall of 1898 you ploughed there?

A. Yes, sir.

Q. Now, if anybody were to say that there was 10 or 12 or 14 inches of loam there now, what would you say?

A. I say I put loam on after that, myself.

Q. When?

A. This fall, sir.

Q. What fall?

A. I was ordered to put it on.

Q. Well, what fall — in 1899?

A. Yes, sir.

Q. Where did you get the loam?

A. Well, I will tell you how it was. The loam was put in lately. He ordered us to put loam over it.

Q. Who did?

A. Mr. Weidener.

Q. Where did they get that loam?

A. Well, from the contractor.

Q. Who was the contractor?

A. I couldn't tell you who was the contractor.

Q. What month of 1899 did they get that loam?

A. Well, I couldn't tell you now what month it was, but I know it was about near Thanksgiving, anyway.

Q. How many yards of loam did they put there?

A. I couldn't tell you how many yards.

Q. You know something about loam, don't you?

A. Yes, sir; I ought to.

Q. You know what it is worth, don't you?

A. Well, I couldn't tell you how much it was worth, because —

Q. Well, how much ground did you place loam over?

A. Well, I guess about 200 barrels full.

Q. About 200 barrels full?

A. Yes, sir.

Q. And that was in the fall of last year?

A. Yes, sir.

Q. Now, you say that in the summer or fall of the year before, 1898, after the contractors had been delivering stuff, you found on an average four inches of loam?

A. Yes, sir.

Q. That was over about how many acres?

A. About half an acre.

Q. About half an acre?

A. Yes, sir.

Q. Now, do you know that Mr. Weidener had a son working at Marine Park?

A. He had, under the name of water boy. He is through since I came on the job. I didn't see him carry but one pail of water for the last two years.

Q. Did you see him doing any work at all?

A. No, sir; out around the city riding on his bicycle.

Q. Well, do you know anything about his being away for a week, or for several weeks?

A. I know it, sir. He was.

Q. How do you know that? Did you notice it yourself?

A. Because I know it. There was a man put in his place, picking up papers.

Q. You are positive of this, that you ploughed over the ground in the fall of 1898?

A. Yes, sir.

Q. And you found there, in the space of a few acres — how many acres?

A. About a half an acre.

Q. Over a space of about a half an acre, you found an average of four inches of loam?

A. Yes, sir.

Q. And you have since placed loam upon that field there?

A. Yes, sir; after that.

Mr. LUNDY. — That is all.

TESTIMONY OF CHARLES E. STRATTON. — *Recalled.*

Q. (By Mr. LUNDY.) Now, Mr. Stratton, I asked Mr. Clarke last night about a certain item in this lease of Mr. Bow's, and he didn't seem to be very clear upon it. That is in reference to the matter of supplying the coal, the fuel, in the Head House during the months between October and May. There is a provision here (referring to Exhibit 58) stating that the cost of the fuel bought by the lessee, shall be charged up against a certain percentage of the receipts of the lessee?

A. Yes.

Q. Now, do you know why the idea of heating the Head House was abandoned last winter?

A. I think the matter was talked over, and it was thought enough time had elapsed since the building of the house to make it less liable to deterioration if it were not kept heated during the winter. When the house was built, we were advised to keep the house heated for the first two or three winters, to prevent injury to the building. It was considerable expense, and we thought we could get on without it.

Q. That, of course, was the setting of cement, and that sort of thing?

A. Yes, sir.

Q. Now, was there any flood during the last winter?

A. It seems to me that there was some damage by rain, but I don't remember what you would call a "flood."

Q. Well, you don't remember that the matter was ever called to the attention of the Board at all?

A. It is quite possible that some damage by rain was done — some slight damage. I don't remember anything in the nature of what you would call a "flood."

Q. Perhaps I exaggerate it by using the term "flood," but I mean a flow of water in the Head House to any extent at all?

A. I think I remember some statement of some damage by water, but I didn't suppose it was a considerable one, or it would have made more impression upon me.

Q. This lease (referring to Exhibit 58) was drawn by Mr. Wheelwright?

A. Yes, sir.

Q. And it describes Mr. Bow as being "of Boston." Do you know whether he was of Boston at that time?

A. My knowledge would be confined to what he told me on the subject.

Q. Well?

A. And he told me that he had become a citizen of Boston.

Q. He had?

A. Yes, sir.

Q. That is, a resident, or a citizen?

A. Well, I told him the complaint had been made that he was not a citizen of Boston — not a voter here — and he said he had become so since he took possession of the premises.

Q. Well, was the complaint ever made that he was not a citizen of the United States?

A. Never; not to me.

Q. Was that made in relation to Mr. Sheldon, who has the boating privileges?

A. No; at times I have heard complaints. This contract with Sheldon was made at least a year before I was on the Board. I have heard that he was not a citizen of Boston, but a citizen of the South Shore.

Q. But you never heard anything but what would indicate that he was actually a citizen of the United States?

A. Oh, yes; yes.

Q. Now, just a word on the golf privilege at Franklin Park. Do you know anything about that, Mr. Stratton?

A. Well, would you like to have me tell you briefly the story of the golf links?

Q. Yes.

A. Mr. Hodges was chairman at the time golf was introduced. We had quite a little discussion about it, and perhaps two or three. Mr. Hodges was quite enthusiastic on the game, and Mr. Pratt and I didn't play it. We at the time thought, and I still think, that it is giving up a good deal of space in Franklin Park for the game, considering the size of the field and the size of the golf links; but it became very popular, and it was frequented by a very large number of very good people, and we have said to them, and still say, that as long as we find it does not interfere with the general enjoyment of the public, golf will be continued. The plan adopted was this: We gave the golf players the golf links, and therefore we consulted the golf players as to how it should be carried on. They were very enthusiastic about a certain Will Campbell, from Scotland, and they thought his presence was very necessary to the successs of the game. We therefore allowed Campbell a certain fee, after consultation with the leaders in the golf movement, for taking care of the green and going around over each course — if that is the correct term — that was played on the links. He also had certain privileges of mending, and, I think, of selling, golf material. This year we made up our minds, I think rather against the wishes of several of the golf players, to make the course entirely free. We came to the conclusion that any game that was played on the public parks ought to be free to everybody. We have made it free to everybody, and we thought we ought to take care of the green ourselves, allowing Campbell still the right to instruct and repair golf material, etc.

Q. Now, the game was played there for at least a season before he came on at all?

A. I think so.

Q. Unrestricted?

A. Yes; I think so.

Q. Yes; I know that is so. Who recommended Mr. Campbell for that place?

A. I may confound those who recommended him with those who very strongly supported him. I should have said that Mr. William Richards and Mr. James L. Olmsted were at least among those who strongly supported him, if they did not recommend him; and I should say that Mr. William Richards was the one who recommended him to us.

Q. Is he allowed any quarters on the field there?

A. He had a little shop, and his wife was also there. These gentlemen were very positive that she was of very great assistance to the young girls and ladies.

Q. Well, at the present time one has to satisfy Mr. Campbell that he can play golf before he is allowed on the field?

A. Not now.

Q. Well, up to last season — before you made this recent rule?

A. Well, what was done was this: A permit is given from the Park Headquarters.

Q. And who passes upon that permit?

A. It is probably passed upon by the Secretary.

Q. Mr. Clarke?

A. Yes. They have to state their experience in the game in this application.

Q. Well, now in reference to this headquarters that Mr. Campbell occupies, how large a place is that?

A. My recollection would be that it might be as large as from me to the Chairman in length, and perhaps twice the width of this table. It was a rough sort of a shanty.

Q. Well, who erected it?

A. I presume that my department did. Mr. Pettigrew could answer all these questions better than myself.

Q. Did you understand it was erected for the accommodation of Mr. Campbell?

A. It was erected for the success of the game. Understand me, I am not sure that we did pay the cost; but if it was paid by the department, it was because it was for the general interest of the lovers of the sport.

Q. Now, you don't know whether or not anybody else had ever applied for that privilege which Mr. Campbell enjoys?

A. I don't remember any one having applied.

Q. Do you know any rule in the department that would preclude my going upon the Franklin Park links with my own instructor, or of going on myself and instructing anybody else?

A. Not now.

Q. Well, I mean up to the time of the last revision of your rules?

A. That is something that I have not considered, because it was never brought to my attention, but I don't think there was anything that would have prevented you from taking your own instructor — although there may have been an exclusive privilege given him; but, if so, it is something that was never called to my attention.

Q. Mr. Stratton, do you know, or can you explain, the idea of apportioning the salary of the Superintendent of Parks to the different parks as expenses? That is, can you explain how it was, if Mr. Pettigrew's salary for one month is charged to Wood Island Park or Marine Park, or wherever it may be?

A. The thing has never been brought to my attention, for the reason, I suppose, that since I have been on the Board they have simply followed the custom of our predecessors?

Q. That practice has always existed, so far as you know?

A. So far as I know.

Q. Now, there appears an item for travelling expenses in the Auditor's Report. I suppose those are on account of the Commissioners?

A. Well, unless they may be slight. If there was anything more than a few dollars it would be for the Commissioners.

Q. Well, it was a matter, I think, at the lowest, of $200 for the year?

A. That would be the Commissioners.

Q. How would that be expended? I don't mean to itemize it.

A. I should say that the one large item would be a trip that Professor Sargent and Mr. Pratt and myself took to Detroit and Cleveland and Rochester in May.

Q. Yourself, Mr. Pratt and Mr. Pettigrew?

A. No; Mr. Sargent.

Q. Yourself, and Mr. Pratt and Mr. Sargent?

A. Mr. Sargent and I met Mr. Pratt out there at Detroit. He was in Ohio at the time — I think in Cincinnati.

Q. What was the idea of that trip?

A. That we should be able to see the parks, and see if we could not get some hints that would be valuable to us in managing our own.

Q. Well, Professor Sargent was pretty familiar with those parks before he went, anyway?

A. I think he had never seen Detroit before. I think he told me he had never seen Detroit before.

Q. Mr. Pratt didn't make the trip?

A. He was there. He met us at Detroit, and came home with us.

Q. And did Mr. Prendergast go?

A. He was just elected on the Board, and he telegraphed us that he could not come — that he had to stay on account of business.

Q. Then you and Mr. Sargent made the trip?

A. Yes, meeting Mr. Pratt at Detroit.

Mr. LUNDY. — I think that is all.

The CHAIRMAN. — Any member of the committee desire to ask any questions.

Alderman GERRY. — I would, if you please.

Q. (By Alderman GERRY.) I would like to ask you, Mr. Stratton, if you are familiar with the Forest Hills bridge — what is called the Funeral bridge?

A. Well, I know it.

Q. Have you known of any changes in the bridge lately?

A. There is a change in the steps going down from the bridge to the underneath road — to the traffic road, underneath.

Q. There has been a change there?

A. Yes, the taking off of the parapet.

Q. They have taken off the parapet, the balustrade, of the bridge?

A. Yes, and the walk from the steps down.

Q. The steps from the bridge to the ground?

A. Yes.

Q. Now, why were those steps, or rather those parapets, removed? They were an expensive item in the bridge, were they not?

A. Well, they could not have been. In comparison with the total cost of the bridge, they must have been very small. I was not on the Board when the bridge was built, but I have seen the figure. I forget it now, but it was a small item in the expense of the bridge.

Q. How much did the bridge cost?

A. I wouldn't dare to say.

Q. You don't know how much the steps cost, either?

A. No; but it was insignificant compared with the cost of the bridge. It was a very expensive bridge.

Q. Well, the stone that was put into those parapets was valuable, was it not?

A. Of course.

Q. And of course we cannot compare the steps, or their parapet sides, with the big bridge, perhaps, in the matter of cost; but, still, if a private individual should build a set of steps like those, with parapet sides and of that quality, it would be quite an item, would it not?

A. I should think so. The item of exact cost would be to —

Q. Did you ever examine the bridge before the parapet sides were taken down?

A. I saw them. I don't know how careful an examination I made.

Q. Did they, or did they not, strike you as being excellent specimens of stone?

A. I think they looked rather clumsy.

Q. They looked clumsy to you?

A. Yes.

Q. Now, will you please tell me what the reason was for taking that down? Did you order them down?

A. Yes.

Q. What was your reason?

A. We ordered them down to make the steps more in harmony with the wall that we built on the side of the road; and I suppose a sort of an additional reason was that we didn't think they were very handsome. But the real reason was to make the steps more in harmony with the wall.

Q. You considered that expense justifiable, did you?

A. We did; yes.

Q. Is there any way that that item could be reported to the committee?

A. Undoubtedly. Mr. Pettigrew ought to be able to tell you the exact cost, or to estimate it closely enough for your purposes.

Q. Would you be kind enough to have that presented to the committee?

A. I will, Mr. Alderman.

Q. Thank you. Speaking about the Forest Hills bridge, the Funeral bridge, you referred to the walls which had been built. Did you or did you not know that it was proposed to widen Morton street when that wall was put in?

A. We knew it was under discussion.

Q. Well, if that was so, did you make any study of the fact that possibly the widening might come on your side?

A. We did.

Q. And what did you find?

A. We found — well, I will tell you what we did. We went over the plans several times, and we went over the ground several times, and we had the Street Commissioners out there with us and showed them the line that we felt was the best place — that is, the line that would throw as much as possible from our park into the street and that would sacrifice trees which we thought might be sacrificed without detriment to the city, and that at the same time would save the trees which we thought would be of great value to the city.

Q. But in that discussion it was intimated to you, or made known to you, that some parts, to say the least, of that proposed widening had to be purchased from the persons owning the land on the other side of the street?

A. My recollection is that the Street Commissioners told us that the Forest Hills people would give half, if we would give half.

Q. That is, the Forest Hills Cemetery people?

A. Yes; they would give half, if we would give half. They are our opposite neighbors for almost the entire length.

Q. Did you give half in the wall?

A. I don't think we did, quite — no.

Q. Are the Forest Hills Cemetery proprietors bound by any contract, or any obligation, to give the other half?

A. I don't think so.

Q. Except on condition that they are paid for it?

A. I don't think so.

Q. Isn't it probable that when the city takes that land from the Forest Hills Cemetery people there will be a contention, probably in the courts?

A. That I couldn't say. I don't know their attitude in the matter.

Q. Well, you should think that probable, after your experience with the taking of other land as a Park Commissioner?

A. Well, Forest Hills Cemetery is, of course, an abutter, and the considerations which led them to say, as I am told they did say, that they would give half, might influence them to give a little more than half.

Q. Well, I am not asking you as regards the Street Commissioners, because you have nothing to do with them; but, as far as you go, would it not have been well to ascertain that fact positively?

A. The Street Commissioners, or, at least the Chairman — and, I think, he spoke for the others, because they did not dissent — stated that we had been very generous in contributing towards the widening of the road.

Q. I didn't mean your judgment, which was evidently good, as far as it went; but wouldn't it have been well for you, for instance, as Chairman of that Board, to have ascertained whether the Forest Hills Cemetery proprietors were going to give that to the city of Boston?

A. Well, my feeling was that the Street Commissioners were the people to look after the widening of the road, and that if we took them out and showed them what we were going to do, they were the people to talk with the Forest

Hills people; and I supposed that if they had remonstrances to make to us the Street Commissioners would say so.

Q. Then, it didn't occur to you that it would be a part of economy for the city to take an extra strip off of your park land, to save expense?

A. These questions of expense, of course, are relative, and you would balance, for instance, the cost of growing a beautiful row of trees for quite a number of years against the cost of paying something for Forest Hills land, if we should have to pay for it.

Q. Well, of course, we are all in the tree-loving business. That would be a great consideration. There is no doubt about that. But, still the fact remains that Morton street is going to be widened. I have never seen the bill that I know of, but I understand that Morton street is going to be widened, from what I have been told. I understand that it has got to go through, and if it goes through, we have got to take land from somebody to put it through; and of course it does seem to some of us that, considering the hundreds of acres that are in the park lands, somebody might have made some suggestion by which that could have been taken off of that edge of the park, without any extra expense to the city of Boston, especially at this time of financial tightness, so to speak?

A. We should have been glad to have given more land. We gave every square inch of land that we thought did not interfere with a tree that was of value to the city. That is all.

Q. Now, to go on to another matter, Mr. Stratton. I understand you to say that, as far as you knew, you had always given the public a chance to criticise, complain, or do anything in that line that they wished to, and that you had given them all the hearings, and all the rules, and all the replies, and everything of that kind?

A. I only say it is the intention of the Board to do so.

Q. Would it surprise you, sir, if you were told that your Board had been written to three or four times without the courtesy of a reply?

A. I should certainly not only be surprised, but very sorry; and I should ask you as a favor to tell me who it was.

Q. Well, if you will please ask Mr. Matthews if he will allow me to, I will state, if you wish to know, who it is that has written to the Board and not had a reply.

A. I should certainly very much like to know who the person is.

Q. Well, Mr. Matthew S. Bolles, if you press me. Mr. Matthew S. Bolles, who has a beautiful place on Sigourney street. He informed me to that effect.

A. And on what subject was the letter?

Q. Well, the letter was a complaint of his, that he had written to your Board three or four times, without the courtesy of a reply. I have that letter, if you care to see it.

A. I would like to make a minute of it. I can only say this, that if any one wrote a letter to me and did not get an answer, there ought to be some very good reason for it.

Q. He doesn't say he wrote to you.

A. No; but the letter ought to have been handed to the Chairman, or to some member of the Commission. Do you remember the subject, or subjects?

Alderman GERRY. — Mr. Lundy has the letter. I would wish to refresh my memory. The reason I ask was that it has been the very general impression that it was very hard to get at your Board, officially.

Mr. LUNDY. — What was that you wanted, Mr. Gerry?

Alderman GERRY. — That letter of Mr. Bolles'. I handed it to you.

Mr. LUNDY. — And I haven't it here. It was Mr. Matthew S. Bolles, and his office is at 60 State street, I think.

The WITNESS. — I know him by name very well. I can only say that I regret that any such thing occurred — and I say that it is not very difficult to get at me.

Alderman GERRY. — No, I know that to be a fact; but I am speaking of the Board, and in your capacity as a member of that Board.

Q. (By Alderman GERRY.) Would it also surprise you if there had been other complaints of that kind?

A. It would, very much indeed; and I am very glad to hear the name or names of any person or persons who have written to our Board and not received an answer — and a respectful one at that.

Q. Would it surprise you if a gentleman of standing and so on had written to me saying that the attitude of the Board — I am simply quoting from memory, and, of course, the phraseology may have been a little different from what I state — that the attitude of the Board towards the community seemed to be somewhat similar to that described as being the attitude of the President of the New York Central Railroad as regards the community at one time?

A. Well, of course, I cannot accept as the general opinion how one person would view my attitude or your attitude. All I can say is that if they wrote me at my

address, or the Board, a communication, if they did not get an answer, and a courteous one, I should be very much surprised and very sorry —

Q. I felt, knowing you as well as I do, that you were not the one that received the letter.

A. (Continuing) — and I shall look into any case that is given to me; any name of any citizen of Boston, or any citizen of the United States, who wrote to me, or whose letter got to me, that I did not answer it, while a member of the Board.

Q. Then you are surprised that that is the feeling throughout the community, that your Board is hard to approach?

A. I should be surprised to know that, and also very sorry.

Q. Well, I will see that you have that letter, if Mr. Lundy can find it. Now, there is another matter, Mr. Stratton. Of course, you know very well about that building which is half restaurant, half — well, I don't say what the other half is — up at Franklin Park. How much did that cost? How do you pronounce that — per′gola or pergo′la?

A. Per′gola, I believe. I think it is pronounced both ways.

Q. You remember about that building, do you not?

A. Yes.

Q. Do you remember what it cost?

A. It was built before my time, but I think some bills lingered on. It cost a very large sum of money.

Q. I am very glad that it wasn't built during your time. I didn't know that, and I am glad to have that wiped off the score. But I would like to ask you if that circular horse shed was built during your time?

A. I am afraid it was.

Q. Well, will you tell me how much that cost?

A. Well, whether the contracts were made before I went on the Board or not, I don't remember. It was built the first summer that I was on the Board, and I cannot remember whether it was contracted for before or after I became a member.

Q. Well, would it surprise you if I told you that it cost, if my memory serves me right, in the neighborhood of fourteen thousand dollars?

A. I am afraid your memory is correct.

Q. Now, you say you had nothing to do practically with voting the money or approving the plans in connection with that?

A. I won't be sure. It was my first entrance on the Board.

Q. If I recollect aright, your name and Mr. Pratt's name appear in the reports of that year, appear in the records, I believe, at the time when it was discussed.

A. Mr. Hodges was chairman then, and he was a horseman and very much interested in horses, and naturally took more interest in providing a place for horses. But whether it was contracted for before my time, I would not be sure. If it was contracted for while I was on the Board, it was shortly after my advent.

Q. Now, considering the purpose for which that was built, do you or do you not consider that such an expense for such a fortress, so to speak, stone fortress, was justifiable financially? Was your Board justified in spending $14,000 for a place like that, simply to keep a horse in for anywhere from five to fifteen minutes, while a person was in the restaurant? That was supposed to be the reason for it, wasn't it — to put a horse there while the rider was in the restaurant?

A. Yes. Personally I think I could tell you what I think about the Refectory and that horse shed, but the horse shed, of course, was an adjunct of this very extensive and expensive refectory.

Q. Four hundred thousand dollars didn't that refectory cost, somewhere around there?

A. I think it cost about $100,000.

Q. I thought it cost more?

A. That is a rough guess, but I should say that this horse shed was not expensive compared with the building to which it was an annex. The whole scheme was something before my day, and was as I am told, and as I think we can easily understand, built on the idea that our parks would be ike those on the Continent of Europe, that we would have these beautiful sort of hotels and fancy cuisines in the country.

Q. By the way, of course you have been abroad a number of times?

A. I have been, yes.

Q. Did you ever see a public horse shed like that in Europe, or anything of the kind?

A. I have not, no.

Q. I have been across once or twice and I never have. I am afraid I interrupted you.

A. It is an idea as to the use of the park which subsequent experience, I think, has shown to be a mistaken idea. But I am not criticising those who went before me.

Q. Then you are not surprised that certain citizens thought that was an extravagance?

A. I am not.

Q. Of course, you are familiar with what are called the Valley Gates?

A. Yes.

Q. And you know that a part of them were taken down?

A. Yes.

Q. And that while they were there they were iron gates?

A. Yes.

Q. Well, what do iron gates cost? What did those cost at Bussey or the Arboretum?

A. I dislike to give figures, without referring to the records.

Q. Wasn't it about $5,000 that those gates cost?

A. All of them?

Q. Yes.

A. It is quite possible. There are a number of gates there, you know.

Q. Well, the iron gates that were there at the place I mention, Valley Gates, were taken away?

A. Yes.

Q. Well, what became of them?

A. I don't know.

Q. Well, would you be kind enough to have it definitely brought to the notice of this committee just what became of them?

A. Yes.

Q. Whether they were stored, whether they were sold — and, if so, for how much they were sold — or whether they were given away.

A. I will simply say this, that my recollection of the gates is that they were not as ornamental gates as those of the Arboretum.

Q. No; that is true.

A. But I will find out, Mr. Alderman.

Q. If you will let the investigating committee have those facts, I shall be very much obliged.

A. And I shall be very glad to give them.

Q. Now, Mr. Stratton, of course you are a believer in civil service, more or less, to a certain extent, perhaps?

A. I try to live up to it.

Q. Now, have you read the testimony of a man who came here in regard to what might be called, perhaps, certain civil service — well, I don't know exactly how to express it, and I want to express it rightly — certain non-compliances, we will

say, with the civil service laws in the management of your parks by any of your foremen or any of your people?

A. I read in the newspaper testimony, I think, about the substitution of a man for one who was sick.

Q. And you also read that that same man was substituted for another man who went away, too, did you not?

A. No, I didn't read that.

Q. Well, of course, we all know, sir, that you would not tolerate any such thing if you knew it?

A. Certainly not.

Q. But I simply wanted to bring it to your attention, for this reason: The foreman who did that, as near as I can find out, didn't do it from any malice aforethought, but simply thought he was doing as other people did, and that he wasn't doing anything very wrong; but, of course, there was somebody who was responsible for that, was there not?

A. Certainly — anyone who knew it.

Q. Well, who would be responsible? Who was responsible for the deviation from that law, for instance?

A. If the foreman knew that the man was working contrary to the civil service rules, he would be responsible.

Q. Of course, it is possible for a man to work there and neither the foreman on the work or any other foreman know about it, perhaps?

A. That would be possible, I should think.

Q. But has it ever occurred to your mind, Mr. Stratton, that perhaps there might be more or less of that sort of business going on?

A. I don't know that I have thought of it; but, of course, when I do think of it such a thing is possible.

Q. Of course, we all believe in the law, and we don't want to have it broken, and if it is broken, we don't want to have it broken to the disadvantage, perhaps, of a worthy man, a man who has passed the civil service. We like everybody to have a living, but we want the men who comply with certain regulations to have the first choice, perhaps. Mr. Stratton, I would like to ask you if it has ever occurred to you that it would have been well considering the state of public feeling in the vicinity, we will say, of Jamaica Plain, — considering that state of feeling, did it ever occur to you that it would have been perhaps a proper thing, or a good thing, to have suggested to Mr. Sargent, for instance, that it would be well to have on certain things some other landscape architect consult with him?

A. No, I don't know that it did.

Q. You don't believe in consultations in law or architecture?

A. Well, yes, I should think that in law, medicine and architecture, there are times when consultations would be advantageous. But upon the problems that came before us, I don't remember anything concerning which we thought it was necessary to call in another expert.

Q. But you did know of that acute feeling out there, did you not?

A. Well, I don't think I did. I knew the acute feeling about tree cutting.

Q. Well, that is what I meant, in connection with the general management of the parks?

A. Oh, yes, about the tree cutting I did, and it is a feeling that we felt was acute all over the world. We gave a hearing to the gentlemen who were opposed to Professor Sargent's plans, and they suggested our having a committee to share the responsibility with us. We felt that we were the ones to take the responsibility, and we felt that sometimes, you know, when doctors disagree there is danger. We thought we had the man who is the highest authority in tree knowledge on this continent, if not in the world, and we thought we were safe in following his advice.

Q. Well, you also knew that there was a good deal of discussion, and that Professor Sargent entered into it somewhat, did you not, through the newspapers, through the press?

A. Well, he wrote me a letter, I think at the time, which may have been read at the hearing.

Q. Yes; but I mean in other ways — that he, directly or indirectly, entered into the discussion in the public press?

A. It wouldn't surprise me.

Q. No; would it surprise you — perhaps this is not a proper question, but would it surprise you to know that the "Forest and Garden" for instance, that New York horticultural or arboricultural paper, whatever its object is, which was quoted by various newspapers of Boston in support of Professor Sargent's theories and ideas, was controlled by him — that the article which was quoted very extensively to support him was printed — I will not say written, but printed — in a paper that he had control of or partly owned?

A. Yes; Professor Sargent was really the manager, I suppose, or really the controlling spirit of the "Forest and Garden" or "Garden and Forest" — I forget the name.

Q. Well, you remember also that that was the article and the paper that defended his course?

A. Well, I didn't recall that fact, but I have no doubt he had articles in the "Forest and Garden" carrying out his ideas of tree treatment and tree cutting. But I don't recall any particular article.

Q. Well, all I wanted to know was whether or not you recognized the fact that he did control the paper?

A. Oh, yes, yes.

Q. And, of course, you did not know that was the principal article, or the one that was relied upon by the supporters of Professor Sargent in support of his cause against numerous articles that were written by other landscape architects and other people, in Boston and other papers?

A. No; I did not know that.

Q. Well, it is said to be so. Does that surprise you?

A. No, I don't think it would.

Q. Well, in your opinion, would that seem to give a false impression to the community — the fact that a paper that was printed somewhere else — say, for instance, in New York or Brooklyn — should print such an article, and it should be quoted all over Boston in support of Professor Sargent? Would that surprise you?

A. Well, I think it was pretty well known here that Professor Sargent was the controlling spirit of "Garden and Forest."

Q. Did you ever see in that paper an announcement to the public of Boston that Professor Sargent was the controlling interest in the "Forest and Garden"?

A. I don't remember seeing that, but I think it was generally known among people interested in horticulture and arboriculture that Professor Sargent was, really, the "Garden and Forest."

Q. Yes, but still, this discussion in the paper was for the public, was it not?

A. Yes.

Q. May I ask you if you know whether Professor Sargent ever had a technical education or not?

A. I don't know. After he went through the war he went abroad, and I think he was abroad for two or three years, but what he studied there and where he studied I don't know.

Q. I only ask for information, because I never have been told. Now, there is one more item about this, Mr. Stratton. I am very glad you are here, because you can tell us just as it is, as far as you know, and you know it all, largely — that is, your reply to the investigating committee, so to speak, in regard to these teams that were spoken of?

A. Oh, yes.

Q. Now, you give the list of a large number of people here who had teams, whose owners had no numbers in the park drawings?

A. Yes.

Q. Now, I understand that it has been brought to your attention that there have been a good deal of what might be called rather peculiar methods in the matter of disposing of those numbers after the numbers were drawn; that is to say, that certain men are said to have sold their numbers, to the detriment of fairness in that matter?

A. I didn't hear of it until since this investigation began.

Q. Well, will you be kind enough to look that up, sir, for your own sake and for the sake of the men?

A. Certainly.

Q. I don't mean officially, but simply on request of my own, so that the thing shall not go on, because, of course, it is in no sense fair to the people who own those teams and who draw certain fair numbers, and who do not then get work that they should get — if what has been said is true, which I do not aver, because I never saw it done. I have heard various things, but I have never seen them done. Now, they have said that you have made various efforts in your Board — Mr. Clarke, I think, said that you had had one or more hearings in regard to the matter, given to some of the disaffected teamsters — with a view to having this stopped. You remember such a hearing?

A. Well, I shouldn't say it was since I was on the Board. I have had one or two complaints, probably, since I have been chairman, complaints of people who said that there had been favoritism shown in the calling for a team or not calling for one, and I thought, as far as I could find out, by the only inquiry I could make, through our superintendent, that the complainant was mistaken.

Q. Well, but there has been no organized effort on your part to ascertain that fact or correct it?

A. Well, I think one or two cases only — not recent ones, so my memory is not so good about it. I shouldn't think I had had a complaint for a year, at least, or a year and a half, and then I asked the superintendent and was told that there was some particular reason why another team was taken, either from its size or its nearness.

Q. Then you would say that, if Mr. Clarke made that as a statement, his memory was not very good on that point?

A. Well, I can only say that since I have been on the Board I don't remember, I don't recall any complaints in regard to the teaming, the drawing of teams or the use of them after they were drawn, excepting these one or two instances that I have mentioned. I don't remember anybody coming before the Board on the subject except by letter, although it might have happened a year or two ago. But I don't recall it.

Q. Well, I simply wanted to call your attention to it, because I knew if you could, sir, you would correct it while you were a member of the Board, and I also felt that decided efforts should be made to correct it.

A. We certainly want to have everything as fair as possible in the arrangement of the teams.

Mr. MATTHEWS. — Do you put in that report that you were just asking Mr. Stratton about?

Alderman GERRY. — Yes, I would like to put it in.

(The document referred to, being City Document 66 of the year 1900, was introduced as "Exhibit 60," and will be found at close of day's hearing.)

Q. (By the CHAIRMAN.) About how many laborers have you in the Park Department to-day?

A. Well, I think twenty-three veterans, and I should say something like eighty besides that.

Q. You have got, as I understand it, about 100 men to-day working in the Park Department.

A. Laborers?

Q. Yes.

A. That is my recollection.

Q. About what time last year did the suspended men go to work?

A. Well, I feel confident, I think, my recollection is that last year we had no suspensions, nothing except work on half time, because in the spring, while we were awaiting the answer to our petition to the Legislature, the City Council voted us $50,000, which allowed us to go ahead and not suspend anyone, and that $50,000 was rebated out of the $500,000, or was counted a part of the $500,000 that we got from the Legislature.

Q. Well, did you find that that operated well last year — giving the men half time?

A. Well, it was the best we could do, and they said they preferred, — or at least, I was informed that the men preferred — that they should have a half loaf, rather than that we should suspend them entirely.

Q. Today you have absolutely discharged some entirely, and others you have kept. Why wouldn't that be a good plan to put into practice this year?

A. I didn't know that any were discharged except some that were taken on for the season only, and were told that they were for the season. I may be mistaken, but I don't think there has been any general discharge, except of a certain number — perhaps fifty, and perhaps a few more.

Q. Aren't there as many as two hundred men suspended to-day?

A. There is a very large number.

Q. Well, if that plan worked well and satisfied the men last year and the year before, why wouldn't it be a good plan to adopt this year — to give the men a half loaf, instead of no bread?

A. The only thing is that we absolutely depend, for paying these men, on the construction money. With the maintenance money we can only carry on a maintenance force, and until we can really get some construction money I don't see how we can put anybody back, although I know the Board would be only too glad to do it.

Q. As to the attitude of the Board in regard to those men who are suspended, what are the intentions of the Commissioners in regard to putting them back?

A. The very first day we get news that the Mayor has signed an order passed by the City Council giving us $50,000 for construction, or that the Governor has signed a bill giving us a larger sum.

Q. Now, I wish you would state the real cause — because this is somewhat annoying — why the laboring men in the Park Department are not put back to work to-day.

A. It is because we have not got a dollar of construction money that we can draw upon, except the small sum which is reserved for planting — I haven't the figures with me.

Q. Then the cause is not with this investigation, is it?

A. The fact that we don't get the money may depend somewhat on this investigation. That I don't know. It rests in the bosoms of the legislative bodies. I cannot tell you. One reason that has been given to me is this, that while the Mayor's bill is pending before the Legislature, the bill raising the debt limit, the Legislature will not give the Park Department any money outside of the debt limit. But, as far as the City Council is concerned, that, I suppose, could not apply, because if the debt limit is raised the City Council should give us our money, and if the Legislature gives us the money the City Council could give us, as it did last year, $50,000, and have it applied as a part of the $250,000 we have asked for from the Legislature.

Q. Well, isn't it generally understood that the Mayor is opposed to borrowing any money outside of the debt limit?

A. That is my understanding.

Q. Isn't that the real cause, and not this hearing?

A. I don't know that this hearing has anything to do with it at all.

Q. I would like your opinion on it?

A. As I said before, I should have to go into the inner breast of every member of the Board of Aldermen and Common Council to know why they do not give us $50,000.

Q. Don't you think, Mr. Stratton, the blame for this should lie exactly where it belongs?

A. I do, but I don't know that I am the one to apportion it. That is all.

Q. What I want to do is to take off the shoulders of this committee — and I think I am right in doing it — the blame of being the cause of the Legislature's not giving you the money?

A. I think you are quite right about the Legislature.

Q. That is what I want to have understood?

A. If my opinion is worth anything, the Legislature is, as I am told, awaiting action on the proposition of the Mayor to fix the debt limit. The $250,000 is another matter.

Q. But this hearing is not the cause of delay in the action of the Legislature?

A. I should not suppose it would influence the Legislature to any appreciable extent whatever.

Q. Now, to come to the city of Boston, supposing the appropriation bill goes through and your department gets what the Mayor allows it, will the laboring men get back to work?

A. Just as quickly as we can do it. That is all I can say.

Mr. MATTHEWS. — I think the witness has misunderstood you, Mr. Chairman. I don't think he meant that statement as applying to the annual appropriation bill, but to the additional fifty thousand dollars.

Q. (By the CHAIRMAN.) I am talking now about the amount that the Mayor allows the department in the financial budget.

A. I beg the Chairman's pardon. I was speaking of construction money. We have in the appropriation bill maintenance money, upon which we are allowed to draw to the extent of 33 or 30 per cent., I think, as we go along. But to put the suspended men back we need construction money, and we have asked the City Council, I should say certainly two months ago, for $50,000 on account, in advance, of the $250,000 we asked for. We asked for $250,000 from the City Council. Then, as the first of February approached, on the chance that we couldn't get it from the City Council — because we couldn't, unless the debt limit was raised — the Mayor consented to our going to the Legislature to ask for $250,000, in order to save our rights there. Then we asked, as we did last year, for $50,000 in advance, to keep our construction men at work.

Q. I understand that the money in the appropriation bill now is maintenance money?

A. Maintenance money.

Q. In case that is passed, what relief would the men who have been suspended derive through that?

A. I didn't see how they could get any relief.

Q. I would like to be clear on that?

A. I don't see how they could get any.

Q. They could get no relief whatever?

A. At least, it would be a very unsatisfactory kind of relief. I would be very glad to talk it over with the Board and the superintendent, to see if we could do anything for them. But we have our maintenance force. I telephoned the superintendent yesterday to see if there was any possible way by which, with our present funds, we could turn and turn about, as you suggest, and if anything of that kind can be done I shall be only too glad to do it.

Q. Mr. Stratton, why is it, in your opinion, that so many men and teams are employed in certain sections of the city and so few in other large sections?

A. Well, I really couldn't tell you, unless it is because there is more work in one part than another. I personally know of no reason why one part of the city should be favored in the employment of teams because work happened to be going on there. Teams, of course, are to be drawn by lot.

Q. The testimony here, I believe it was of your foreman, was that there is to-day one team, I believe, working in South Boston?

A. Well?

Q. Or I don't know as it is working now, but it was last summer I understand — one team?

A. I don't know how many teams were working there last summer, I am sure. At present I suppose there is very little work being done there, but I would be very glad to look into that question, if there is any inequality or unfairness.

Q. Why I get at that is that I think the teams and men are not fairly distributed throughout the city, and I believe in fairness to the Commission, that if they realize that they might remedy it?

A. Well, Mr. Chairman, I shall be very glad to look into this.

Q. We would like to know if there is only one team employed in South Boston. We probably have as many teams there as there are in any other section of the city?

A. I don't doubt it.

Q. And we certainly have more laboring men than any other two sections of the city of the same area, and we have not one-third of the number of men employed?

A. I shall be very glad to look into that, Mr. Chairman, and if there is anything wrong we want to correct it.

Q. According to the testimony, you have about 100 laborers employed, and in South Boston they have not more than ten men at work, and in East Boston, I understand, there are three or four. In Charlestown I don't know as any were recorded, except one or two.

Mr. MATTHEWS. — May I ask if you mean men working in South Boston or men from South Boston?

The CHAIRMAN. — Men living in South Boston, working for the Park Department, anywhere.

Alderman CODMAN. — I don't think that is right, at all. They take these men from the civil service, and they may come from any section. When they take them from the civil service, I don't know how they can get them from any particular section. As far as the teams are concerned, they are drawn by lot, and I don't see how we can affect that.

The CHAIRMAN. — Does the Alderman object?

Alderman CODMAN. — I object to your taking the position that the civil service ought to be spread around.

Alderman DAY. — As I understand it, if they want a laborer, three names are sent to them from the civil service. Now, they can reject all the East Boston and Charlestown men, and take them all from the section of the Dorchester men, if they want to.

Alderman CODMAN. — I will say that they haven't.

The CHAIRMAN. — That is probably the real fact of the case, the real state of the case.

The WITNESS. — I didn't hear what Alderman Day said.

The CHAIRMAN. — He said that if you sent for ten men to the civil service they would send down thirty, and that the Park Department could select the men from any section of the city it wanted to, and could leave out South Boston, Charlestown and East Boston.

The WITNESS. — That is something that shouldn't be done. I suppose a map of the parks would show that the largest park area is in Jamaica Plain, and I presume that the laborers like to live near their work, and that would be the reason why a great many would be found coming from that section rather than from South Boston or East Boston.

Q. We find men from Jamaica Plain working in South Boston, and we find South Boston men working in Jamaica Plain?

A. They must like to travel.

Q. There isn't much to be said on that score because, of course, they shift them around, but that has been a general grievance, Mr. Stratton, as I have got it, coming from that particular section, South Boston, where there is a multitude of laboring people, and they naturally come with their complaints to their representative, and I think it is well for the Board to know these things.

A. I have felt, and I think the other members of the Board have felt, that when there is anything wrong we should be told of it. Of course, we cannot hear of these things unless they are told to us.

Q. Does your Board maintain an office in town here?

A. We are at 64 Pemberton square, sometimes, and my office, which is at 68 Devonshire street, I am sometimes inclined to think is an office of the Park Department.

Q. I didn't mean your office?

A. The Commission has an office at 64 Pemberton square, where we meet once a month, and some times oftener, and where our secretary goes twice a week in the afternoon, although I believe he has found so few callers lately that he has been going but once a week. He has a fixed hour for being there to attend to business.

Q. Did your Board ever have a request from citizens to hold your hearings in the city?

A. Yes, and we have always granted the request when we have been able to do so. Of course, the accommodations are not quite as good at Pemberton square, but whenever the petitioners have preferred to have the meetings in town we have had them in town.

Q. Well, isn't it a fact — or is it, pardon me — that there was more general satisfaction on the part of the public in general, or the representatives of the people, when you had your office down in the Exchange Building on State street, when you had your rooms there, held your hearings there, and the people and their representatives could go there, as it was near the hall? Isn't it true that there was more general satisfaction when you were there?

A. It may be that that is so. Of course, there are certain advantages in being in town, but we followed the example of Brooklyn and New York, and fixed our headquarters in the middle of our work, and then there were these changes that we made; we centered our engineering force together, and that enabled us to cut down our expenses, and, of course, we had this building that had been intended for another of these great restaurants, and that saved us the something like $2,500 rent which we paid in town. These

things, of course, you see, raised questions that were not free from doubt, but we balanced the considerations and thought that the removal to Jamaica Plain was really a benefit.

Q. Then, your Board did not move to Jamaica Plain to get away from the politicians?

A. No, sir; that is impossible. (Laughter.)

Q. Well, that is the general complaint, the universal complaint.

A. We have endeavored, as I say, to remedy that, and, as I say, at the cost of my own time in town at my own office; but I have felt, at the same time, that, as long as I am a public servant, I must not complain.

Q. I will qualify that — getting away from the representatives of the people. Was this building out at Pine Bank built during your administration?

A. No, it was standing there vacant when I became a member of the Board.

Q. Then you had nothing to do with building that beautiful, magnificent structure there?

A. No, I had nothing at all to do with it.

Q. What was the cost of that building?

A. I don't remember. It was not as expensive, I think, as the Refectory.

Q. Don't you think that could be let to some advantage, other than holding it for office purposes?

A. Well, I suppose it wouldn't be within our powers to rent it for anything except a restaurant, and there doesn't seem to be a call for a restaurant where wine is not sold. The occupants of the Refectory, those who haven't failed, have certainly lost money.

Q. Of course, we understand that it would not be to the advantage of the city to let it out in the same way as you let the Head-house. We understand that thoroughly.

A. Well, as I said before, I think these temperance houses don't make money.

Q. Well, the point is this, — if that could be let out at Pine Bank to somebody at a rental, or something done with it which would bring a rental to the city, which would be an equivalent of office expenses in town, wouldn't it be an improvement?

A. It still would be a question. That would be taking away the workmen and the engineers from the middle of their work. We couldn't rent it, as I said before, under our powers, for anything but restaurant purposes, and we haven't been able to get any rental yet from any of our restaurants.

Q. Well, I am free to say that you will get an offer for the Head-house, if you will put it on the market.

A. Well, it is still open or may be open at any time.

Q. Open that and you will get plenty of customers. Do you remember a bill in the Legislature that came up yesterpay for discussion called the "Marine Park Tower Bill"?

A. I do.

Q. Was your Board consulted in that matter?

A. We were not until we got up there.

Q. What attitude did the Board take on that matter, if any? Were they favorable to it or opposed to it?

A. Well, the Board felt that they had best not take any attitude in the matter publicly, except to say that no private corporation should be allowed to go into the parks without the consent of the Park Commissioners. I thought, and I think the Board thought, that for our purposes we were taking a position that was impregnable, and that we would then let the people do their work — which they did, apparently.

Q. In case that bill became a law, Mr. Stratton, speaking to you as a lawyer — I am talking about the interest in South Boston particularly, as it is going to be located there — what effect would that have and how would it operate this year or next year, or under some other administration when you may not be a member of the Park Commission?

A. Personally, it seems to me unwise that the Park Commissioners should have the power to give a private corporation such rights as are asked for in that bill. I am saying this to you personally. As Chairman, also, I did not think we should go any further than to say that nothing should be done there without our consent; but, personally, I don't think the Park Commissioners should be allowed the privilege.

Q. Well, some Park Commissioners may come in later who would give consent to the bill?

A. That is possible.

Q. Then, would that close up the pier going over there — for automobiles only?

A. I trust that a Park Commission will never allow such a thing as is proposed there.

Q. Suppose a Park Commission should allow it?

A. I think they would be in danger of losing their heads at the hands of the executive. Well, I am very glad, personally, that it is defeated. That is all.

Q. (By Alderman GERRY.) I would like to beg pardon for troubling you so much, but I would like to ask you another question, Mr. Stratton. Of course, you know about that wall in front of the Francis Parkman estate?

A. Yes, sir.

Q. That is a solid wall, isn't it, from Perkins street to the first opening?

A. Yes.

Q. Now, is it true or is it not true that a path has been laid out from Prince street to the Francis Parkman monument?

A. Well, that is not quite an accurate statement. There may have been a path laid out on some proposed plan, but there has been no definite site fixed for that monument. In fact, in regard to the memorial, the committee has not been to us, but I am told that there has not been a site fixed for it. We certainly have not been informed of any, and I don't think the exact site of the memorial has been decided. So we did not know where to fix the opening.

Q. Then I was not correctly informed, when I was told that Mr. Sargent and Mr. Pettigrew selected a site for that monument?

A. That may be perfectly true, but I don't think the association has adopted it. I am told that it has not adopted or fixed a site for this memorial.

Q. Well, you mean that they have not adopted the form of the pedestal or the statue?

A. I understand both — that they have adopted neither.

Q. But, still, the money has been raised for it, has it not?

A. I think it has.

Q. And undoubtedly that monument to Francis Parkman will be placed there on his estate sometime?

A. I judge so.

Q. But you don't know that Mr. Sargent and Mr. Pettigrew selected a site?

A. They may have selected a site, but it has not been adopted by the association.

Q. Well, would it appear strange to you that no provision was made for an opening from Prince street down along there, in that wall, considering it to be an undoubted fact that that structure, that statue, is going there?

A. Of course, the place of the opening will depend on the site of the memorial.

Q. Well, I mean to say if a selection had been made?

A. Then we certainly should have left an opening for a path to go down to it.

Q. Then, under the circumstances, knowing that that monument is to be placed there at some time in the future, wouldn't it have been well, instead of building a solid wall there and afterwards incurring an additional expense to tear it out for an opening, to have some provision made for the

opening, to have a selection made, before that wall was put in there?

A. It would, of course, have made just that much saving, if the Memorial Association had told us just where the memorial was to be, to have that opening made.

Q. Wouldn't it have been well to have inquired into that matter when the thing was in the air, and have the thing determined upon?

A. I think possibly that is so, but I think it would have been called to my attention by Professor Sargent if there had been any arrangement made.

Q. Did you know the fund had been subscribed?

A. Yes.

Q. And that the monument was going there at some time or other?

A. Yes.

Q. And that there would have to be a walk from Prince street down to it? My question was whether it would not have been well to have provided for that and have saved the city the extra expense, large or small?

A. I think you might put it well, that the Board would have done well to have written to the association, asking them about it, before building the wall — if that is what you want?

Q. That is it.

TESTIMONY OF FRANK A. FOSTER.

Q. (By Mr. LUNDY.) Your full name, Mr. Foster?

A. Frank A. Foster.

Q. And where do you live?

A. 16 Lindsey street, Dorchester.

Q. Your business is that of a civil engineer?

A. Civil engineer.

Q. And you have been employed by this committee to make certain soundings at South Boston, in Marine Park?

A. I have.

Q. For the purpose of ascertaining what depth of loam there is there at present?

A. I have.

Q. Now, have you made such soundings?

A. I have made estimates and measurements of the loam at City Point.

Q. Now, to get this briefly and exactly, just state to the committee what the result of your soundings has been?

A. Well, I find that the average depth of loam is 1.18 feet, and that the total number of cubic yards, as the loam

measures on the ground to-day, is 13,941. But, to allow for the shrinkage of the loam, it should have measured, when it was put on the ground, 17,425 cubic yards.

Q. Well, how do you figure that, Mr. Foster?

A. By cross-section.

Q. I mean, how do you figure the shrinkage?

A. Allowing 25 per cent. for shrinkage.

Q. Now, why do you allow 25 per cent. for shrinkage?

A. Because, when it is spread on the ground, there is the settlement.

Q. Yes, there is a certain settlement?

A. Yes.

Q. I mean, do you think that is a fair figure — 25 per cent.?

A. I do.

Q. For instance, on this reservation something like a little over 18,000 cubic yards was supposed to be laid there. As far as shrinkage would go, you would figure 25 per cent. — you think that is fair to all concerned?

A. I think that is fair. The loam was spread on clay, and of course it wouldn't shrink quite so much as if it was spread on sand or sharp gravel. If the loam had been spread on sharp gravel it would shrink a great deal more.

Q. You think it is fair for that?

A. Yes.

Cross-Examination.

Q. (By Mr. MATTHEWS.) What does that shrinkage of 25 per cent. amount to in cubic yards?

A. Well, the difference between 13,000 and 17,000.

Q. I ask you if you have it there?

A. About 3,500 yards — 3,484.

Q. Now, that 3,484 is 25 per cent. of the 13,941?

A. Yes, added.

Q. Added, yes. Well, suppose you took it the other way. Suppose you assume that 18,000 loads were placed there, and that you would say the shrinkage would be about 25 per cent. of that, what would that amount to?

A. Well, the total amount of loam I measured on the ground.

Q. Yes, and then you added 25 per cent. to that. I understand your process. But I am simply asking you, if you don't object, to take it the other way?

A. Well, 25 per cent. That would be of 18,000?

The CHAIRMAN. — I would like to ask Mr. Matthews what he proposes to establish by that?

Mr. MATTHEWS. — I think it will appear as soon as the witness answers.

The WITNESS. — (After figuring.) Well, 18,441.

Q. (By Mr. MATTHEWS.) I beg pardon, sir.

A. 18,441.

Q. Well, I think you may have misunderstood my question. Assume, if you please, that 18,000 yards of loam were deposited on this tract?

A. Yes.

Q. You say the shrinkage would be 25 per cent.?

A. Yes.

Q. Twenty-five per cent. of 18,000 is 4,500?

A. Four thousand five hundred.

Q. And that, deducted from the 18,000, would leave 13,500?

A. Yes.

Q. So, if 18,000 cubic yards of loam were deposited on this tract a year and a half ago, and the shrinkage was 25 per cent., you ought to find to-day 13,500 cubic yards?

A. I should find 13,500 cubic yards.

Q. As a matter of fact, you estimated it, on the basis of your average depth, at 13,941 cubic yards?

A. Thirteen thousand nine hundred and forty-one cubic yards.

Q. Let me ask you if you took into account in this allowance of 25 per cent. simply the shrinkage from settlement?

A. Simply the shrinkage from settlement.

Q. You didn't take into account any loam that might have disappeared, from washing into the sea?

A. I did not.

Q. Didn't have any means of estimating that?

A. No means of estimating that.

Q. And if there was any loss on that account, that would be additional to your figures?

A. It would be additional to my figures.

Q. Are you in the employ of the city of Boston?

A. No, sir; I am not.

Q. You have been, have you not?

A. Yes, sir; I have been a great many years.

Q. Well, in the City Engineer's office?

A. Yes, sir; 15 years in the City Engineer's office.

Q. When did your connection with the city cease?

A. In 1895.

Q. (By the CHAIRMAN.) Mr. Foster, how many holes did you bore there?

A. Oh, something over 1,100.

Q. Over 1,100?

A. Yes.

Q. How many of those did you measure yourself?

A. Oh, 40 — perhaps not so many.

Q. Not as many as 40?

A. Probably not, no.

Q. You are taking your engineer's estimates, altogether?

A. Yes.

Q. You gave no personal supervision to the work at all, did you?

A. Yes, I did.

Q. Nothing other than to measure 40 holes?

A. I supervised and saw that the holes were dug right. I was there almost every morning. But I have competent men.

Q. Some days you didn't go there at all?

A. No.

Q. Then you don't know how the holes were dug or how it was laid out at all — had to take the report of your engineers?

A. Well, I have to rely on competent men. It would be impossible for me to do it alone.

Q. How do you figure this, in answer to the question that Mr. Matthews asked you, in regard to the 18,000 cubic yards? Do you want the committee to understand that that would be a proper way to measure it?

A. Well, I measured it the other way.

Q. You measured it the other way. Do you think that is the proper way?

A. I do.

Q. Then you would say, taking your engineer's figures of it, that in your opinion there was never over 17,000 odd cubic yards placed on that place?

A. That is what I have estimated — 13,941 cubic yards there now.

Q. You are not now taking into account what the counsel says has been washed away?

A. No, sir; I didn't take into account any of that as washed away. I didn't know anything about it.

Q. In your opinion all that there was there was 17,000 cubic yards, and a few yards over?

A. 17,425 cubic yards, yes.

Q. (By Mr. MATTHEWS.) You didn't attempt to measure the loam that was washed into the ponds?

A. No, sir; I did not.

Q. Was your attention called to the fact that there was some?

A. Yes.

Q. But you didn't take that into account?

A. No, sir.

Q. Did you state the number of holes? I didn't get that.

A. The exact number is something over 1,100 holes.

Q. And can you state the maximum and minimum depth you found?

A. The average depth was 1.18 feet.

Q. Yes, but can you give us the maximum depths?

A. No, I couldn't. In the paths, underneath the cinders in the paths, were the shallowest depths of loam. Of course, naturally, that was stripped off.

Q. I don't care for an accurate answer — just state some large figures and some small figures, so as to give an idea of the variation in depth.

A. Well, there is 1.6.

Q. Six-tenths of a foot?

A. Yes. There is eight-tenths, nine-tenths, two feet.

Q. See what the larger ones are?

A. I think the larger ones are up by Q street — here is one that is 1.30 — here is Q street — there is one that is eight-tenths, another a tenth, one foot, nine-tenths, one foot.

Q. Where are the two feet ones? There is one there?

A. Yes, two feet.

Q. And I see one that is 2.20 feet there?

A. Yes — no; that is 22 feet. That is a distance.

Q. Have you any objection to leaving this chart?

A. No, I have not. It is only a rough chart.

Q. (By the CHAIRMAN.) You will leave that with the committee?

A. Yes.

Mr. MATTHEWS. — Have that marked as an exhibit, and we can puzzle the figures out for ourselves.

The WITNESS. — Here is Q street, here is the beach, there is the long pier (pointing out places on the chart).

Q. (By the CHAIRMAN.) There is the pier (pointing)?

A. Yes.

Q. (By Mr. MATTHEWS.) Just put "pier" on there?

A. I can take this and put "north point" on, and then letter it and bring it back.

Q. Suppose you do that and allow the Clerk of Committees to mark it as an exhibit, and we will worry it out ourselves.

A. I have my engineers, who have estimated it, and who can come here and say how it was done.

Mr. MATTHEWS. — There is no question in my mind about that at all. It has apparently been done very properly.

Q. (By the CHAIRMAN.) Aren't there some places there where you didn't find but four inches?

A. I don't know of a place, except it might have been under the cinders in the paths.

Q. Do you find any such places on your map?

A. I found some here four-tenths.

Q. What does that mean — four inches?

A. No, sir.

Q. What does it mean?

A. Forty-hundredths of a foot.

Q. How much is that?

A. Five inches.

Q. Then you have none marked there as low as four inches?

A. I don't see any here marked four inches.

(Mr. Foster's report and map were marked "Exhibit 61," and the report will be found at the close of day's hearing.)

Q. (By Mr. MATTHEWS.) Did you take the exact area of that? I suppose you must have taken the exact area?

A. No, we didn't take the exact area. We took 200-foot squares and figured the loam in the 200-foot squares, and then in the odd squares that ran down to the pond.

Q. You didn't take the aggregate area?

A. No, I have not.

Q. It could be done from that chart?

A. Yes, sir.

Q. And you will take the chart and put in the names and fix it up?

The CHAIRMAN. — I suppose the engineer's report is accurate on that point — 7½ acres.

Q. (By Alderman CODMAN.) Just for an estimate, I would like to ask Mr. Foster this question. If there should happen to be a mistake of an inch on the average in the depth of each hole, how much difference would that make, roughly? Can you give me any idea off hand?

A. Over an area of 7½ acres — I can figure it.

Mr. MATTHEWS. — I did not catch the question.

Alderman CODMAN. — I asked if there had been a mistake of an inch, on the average, in the 11,000 holes, how much difference that would make in the total amount of loam — just roughly?

The WITNESS. — Oh, there would be a couple of hundred yards difference.

The CHAIRMAN. — I guess that is all. You can leave that here as an exhibit.

Alderman CODMAN. — I don't think that figure is right.

Mr. MATTHEWS. — I don't think he understood your question. Is there any objection to my talking with him for a moment?

The CHAIRMAN. — Certainly not.

(Mr. Matthews went over the figures with the witness.)

Alderman CODMAN. — I can see that my question was not understood.

The WITNESS. — About 1,200 yards.

Mr. MATTHEWS. — Yes, it would make a difference of about seven per cent., or 1,200 yards.

Alderman CODMAN. — A mistake of one inch in each hole would make a difference of 1,214 yards?

Mr. MATTHEWS. — Yes, an average error of one inch would make an aggregate error of 1,214 yards for the whole thing.

TESTIMONY OF JOHN J. ENNEKING.

Q. (By Mr. LUNDY.) Your full name is John J. Enneking?

A. Yes.

Q. And you live in Boston, Mr. Enneking?

A. I do not.

Q. Where do you live?

A. I live in Hyde Park.

Q. And you are an artist, Mr. Enneking?

A. Yes, sir.

Q. (By the CHAIRMAN.) Please speak up louder, Mr. Enneking?

A. I am afraid I shall be too loud by and by.

Q. (By Mr. LUNDY.) Whether or not you are familiar with our park system?

A. Somewhat, yes.

Q. Now, have you noticed the changes made in the system of tree arrangement during the past theree years, for instance.

A. I have.

Q. And have you noticed that particularly?

A. I have been over it several times, to notice that, to take notice of the changes that have been made in the cutting of the trees.

Q. Now, as an artist, Mr. Enneking, have you noticed anything that has struck you conspicuously in that time as being out of order, out of form?

A. I speak only as an artist. In any other capacity I might speak differently. As an artist, of course, I object to the whole proceedings, to the whole plan. I do not go into any explanation as to why. I merely express my feelings.

I love nature unadulterated, and I would like to have as much of it kept as possible. It does not seem to me that the landscape gardeners from the very beginning have had any great respect for that which the artists like or that the birds like. They like something that is natural. I don't stand up here and say that a certain way is not the best way in the end. I have nothing to say in regard to that. I merely say what I like and what I don't like — that I would have liked to have more of the natural features of the park, as it was first, kept intact, and not so much artificialness. It has seemed to me that the landscape gardeners' object has been, more or less, to see if they couldn't knock out the Almighty, to see if their work wouldn't look better than that that is already there in profusion that is beautiful. That is what I have felt.

Q. Now, Mr. Enneking, do you recall at this time any particular part of the park, the natural beauty of which appeared to you to have been destroyed by the system at present followed?

A. Going in from Jamaica Plain — I can't remember the name of the street, but it has been thinned out so in that section that there is no mystery left, no suggestion. You can look into it and see through it, and it looks barren. Wherever there were two or three trees in a bunch, one or two have been cut down. It evidently seemed that somebody wanted to raise big trees, and from that standpoint I think the proceedings were elegant, excellent, in order to make what you may call a grove of fine trees, but at the sacrifice of all that we artists love — that is, the characteristic New England features of a landscape. Those have been, to me, destroyed. Of course, to a certain extent, it has to be said, to be fair and honest, that, in order that there may be fine driveways in a park it has to be made to a certain extent artificial, but it seems to me there has been a little bit of carelessness in preserving that I value far more than anything in our beautiful New England landscape — the lines and groupings of trees. The naturalness has all gone. To me it looks strange. Before it was bought for park purposes it was an Eden of beauty to artists. They would flock there and paint their pictures. But I doubt if any of them would go there now. I would like a little of that left, a little of it preserved.

Cross-Examination.

Q. (By Mr. MATTHEWS.) I understand that your criticism would apply to the entire management of the parks since their acquisition by the city, to the entire series of Park Commissioners who have had charge?

A. In a general way, I am not in sympathy with anything where construction has been going on and landscape gardening, so-called, has been done.

Q. And that was going on, of course, long prior to three years ago?

A. Yes. I talked upon the matter with Mr. Eliot, of Olmsted & Eliot. I was so much exercised at the expenditure of money on the boulevards, and the shrubbery and things that they were adding so profusely, which to me seemed to be all out of place, that I took Mr. Eliot over the place one day. He reluctantly allowed that it really probably was so, that they had done too much in that way, that there was too much artificialness. But there is one thing to be said in regard to all these matters. I want to be as fair as I can, and to say that there has to be a great deal of experimenting if you want anything very fine. But there is one great danger here; if you once destroy the natural beauty you never get it back again. In a picture or a bit of furniture, or anything else, you can try it over again, but here we have to be, I think, a great deal more careful than with any ornament, on a building, for instance. Mr. McKim, at the Public Library, took, I think, six months before he could get the ornamentations to go in complete harmony, and how much money was spent in order to get it! It didn't make any difference how much he destroyed and spoiled, he could always reproduce it again. But in nature, if you once blot out these beautiful spots that we have in such abundance, when they are once destroyed that is the end of them. No landscape gardener or Commissioner can ever make them beautiful again. That is why I am anxious, very anxious, that we should preserve all the natural beauties and features of our parks that we have now.

Q. Do you like the open prospects and vistas that have been created in Franklin Park?

A. There are too many of them, and I think there is too much of what we call "English" about our matter of making parks.

Q. Do you object to the glades and meadows that have been opened up through Franklin Park?

A. There are a great many features I like very much, that have been made.

Q. I ask you about those particular features — the glades, lawns and meadows that have been opened up in the past 15 or 17 years?

A. I am trying to recall some of them. I know that there are many of those that I dislike very much, very much,

and some I do like. What I dislike is that in doing so you lose more than you gain — that is, for me. I am speaking for myself; I am not speaking for anyone but myself.

Q. Do you understand that when Franklin Park, or the place that is now known as Franklin Park, was bought by the city, in 1883, it was in what you call a state of nature?

A. Yes.

Q. Do you think so?

A. It was in a state of nature such as would inspire an artist to sit down almost anywhere to paint. I don't pretend to say that it should be left that way.

Q. But would you call that scenery that existed then the natural New England type of landscape?

A. I would call it so. There is a lot of it left now that I call intensely typical of New England — those oaks and those ledges underneath them. Of course, I am very glad to say that they have not been very ruthless, so far as destroying those is concerned.

Q. Do you suppose any oaks would grow over those ledges in a state of nature?

A. Any oaks?

Q. Yes?

A. They are there now.

Q. Yes, but do you suppose they would grow there naturally?

A. Naturally?

Q. That is, were there any oaks over them in a state of nature?

A. Certainly. There are some there 50 years old — at least 35 years old.

Q. But an oak 35 years old, representing a third or fourth state of growth, wouldn't be there in an original state of nature.

A. That may be true, but I have seen some old ledges and rocks with oak on them that I don't think had ever been cut.

Q. In Franklin Park?

A. I don't say there. I merely say in regard to those there, that for over 30 years, as far back as I can remember. I have seen them, and they look very much the same, as far as I can see to-day. They haven't grown very much in that time.

Q. Are you aware that in eastern New England, in a state of nature, there were no open spaces, no meadows, no glades, no lawns; that there was nothing but a dense mass of forest?

A. I speak of what I know and of what I like.

Q. I am trying to ascertain whether you really believe that what is now called Franklin Park was in 1883 in any condition corresponding to that in which it was found by our ancestors who settled in New England?

A. Certainly — oh, you mean, away back? Why, I can't go as far back as that, and I don't care to. What I want to observe is the condition as it was and has been here for the last 30 years.

Q. Then you want things as they were 30 years ago?

A. I want them as they were before the landscape gardener took part in them. I don't say that they have done everything wrong. I want you to understand that I don't come here to criticise. I come here merely to express my opinion in regard to what I like and what I dislike. I don't come up here to criticise, because there are many schemes of landscape gardening. Some of them are merely what we call engineering; some of them are merely practical; some of them are combined with beauty; and some of them go almost too far in preserving what is beautiful.

Q. What I am trying to get at is simply this. When you talk about a state of nature and the condition in which it is desirable to preserve Franklin Park, you do not refer to the original landscape in its aboriginal condition?

A. No, sir; I do not.

Q. But simply the condition in which you saw it in 1883?

A. Yes.

Q. (By Alderman GERRY.) I suppose your contention is that you don't wish to have the trees, the natural shrubbery and the natural rockery, that is at present in the park system, cut out or destroyed? That is, a large part of it that is there now you wish to have remain where it is and as it is.

A. A large part, but I would say that I would like to have great care taken so as not to hurry to destroy just that that we have now that is beautiful. They have already destroyed a great deal, according to my idea, of just those sort of features.

Q. And you fear that they will destroy more?

A. I am afraid. I should never feel quite satisfied until they have a landscape gardener who can show credentials that he is one who will take care not to destroy the natural beauty. There are many kinds of landscape gardeners, and each one has a different scheme. Some, of course, are very practical, merely engineers; others are very artistic. I like the one who loves our New England scenery and wants to

preserve as much of it as he possibly can and at the same time have boulevards and have paths, have that which will make it beautiful for the pedestrian.

Q. Well, do you know who the landscape architect is now?

A. I do not, no, at present.

Q. But you don't agree with his notions?

A. I can't say that I do, although I don't propose to criticise the scheme that he must have, probably, for this reason. It may be something that will delight other people. I cannot stand up here and criticise. I merely say that I would like it so and so, and then there are others who would like it in a different way.

Q. Well, you say that as an artist?

A. I say that as an artist.

Q. I would like to ask you if you have been down to the Motley estate, the Arboretum, lately?

A. I have been at the Arboretum.

Q. Well, down on Bussey street, where the Motley estate joins Bussey street?

A. I have not, recently.

Q. Well, do you remember that canopy of trees that overhung that street as you went down from the stone Harvard College building there, down towards those hemlocks and that brook?

A. I remember the brook very well.

Q. But do you remember the trees that overhung and made a canopy there?

A. Yes.

Mr. MATTHEWS. — You mean South street?

Alderman GERRY. — Bussey street.

Mr. MATTHEWS. — You said going down from the house. That is South street.

Alderman GERRY. — Down from the Harvard College building there. There is a stone building there where they have a school of agriculture.

Mr. MATTHEWS. — That would be South street, not Bussey street.

Alderman GERRY. — I beg your pardon — it is South street. Bussey runs the other way.

Q. (By Alderman GERRY.) You know where Thomas Motley used to live, do you, on the right?

A. Yes.

Q. And down by that brook that runs through the hemlocks, across the road and through the meadow there, you remember those trees?

A. I remember them, indistinctly.

Q. Do you remember the general effect of that road in the summer, when the leaves are out.

A. Yes, sir; I do.

Q. Do you know that recently some two or three very large trees have been cut down there?

A. I do not.

Q. From the Motley side of the road?

A. I do not. I haven't been there for a year.

Q. Then, as I understand it, Mr. Enneking, as an artist you sum this matter up in this way, that in your opinion there have been perhaps too many trees cut down in the parks, and that it is your opinion and you wish that there should be more care taken in the future in the cutting of those large trees and that shrubbery?

A. Yes, sir. I would like to have it look a little more careless and accidental, a little more like what everybody likes who loves nature and doesn't like the artificial, in comparison. I don't like to see a group of three or four trees, with two of them cut down, when the group was very fine in connection with all the rest of the trees — that is, from my standpoint.

Q. Do you know anything about trees and their life and their health, and so on?

A. Very little comparatively, but one of the reasons why I love New England is because it is not so luxuriant as Windsor Park. I have heard it said that there is an attempt to imitate, to get the large trees of the parks of Europe. Now, it doesn't seem to me that the character of our landscape is suitable to anything of that kind. It doesn't seem to me as though I should ever care for it so much as I do for natural growth — what I call natural since I remember, what I have seen for the last 40 years around Boston. I would like to see that remain. I cannot see anything more beautiful. I have been all over Europe and have seen about all the parks, and took a very great interest in all the parks. To my mind, to a great extent, none of them, not even excepting the forests of Fontainebleau, had any such beautiful features as we have in our parks in the city of Boston.

Q. As we had or have?

A. As we have even now.

Q. But was that beauty very much greater formerly, in your opinion?

A. As I have said, to me it was, of course, more satisfactory.

Alderman GERRY. — Thank you. I am much obliged.

Q. (By Mr. MATTHEWS.) Just one question. You mentioned the English park systems, in which the growth of large trees is favored. You understand, I suppose, that that result is secured by isolating the trees?

A. Yes, sir.

Q. And each tree has, perhaps, a quarter of an acre to spread in?

A. I wouldn't say I know that. I merely saw the trees. How it was brought about I don't know — I suppose it was that way.

Q. Well, as you saw them that was the impression they produced on you?

A. Yes, sir.

Q. As you saw these trees in the English parks you noticed that they were isolated trees?

A. Yes, sir.

Q. Each growing by itself, not in contact with others?

A. Yes.

Q. Now, are any trees grown in that way in Franklin Park to-day?

A. It seems to me that that must be the object, to have larger trees.

Q. I wish you would answer the question. Is there a single tree in Franklin Park that is grown in the English park style, all by itself?

A. They are isolated, ever so many of them, but they never are going to be like those trees in England.

Q. Will you point out on a map of Franklin Park where they have any such trees?

A. As they have in England?

Q. Growing in the English park style, which you say is being imitated by our Park Commissioners?

A. I say they are working in that line, that that seemed to me to be the object.

Q. Seemed to you?

A. Yes, I always said "to me."

Q. But in what part of Franklin Park do you find those trees being managed in that fashion?

A. I said it seemed to me to be the object. They haven't arrived at it yet. I said it seemed to me to be the object to get something of that character — big trees — that that was the tendency.

Q. Are you referring to the trees in the Wilderness, so-called?

A. I am referring to the trees along the Jamaica Plain side there.

Q. Well, that is the Wilderness, isn't it?

A. Yes, I suppose so.

Q. That is, you refer to the tree cutting that has taken place in the Wilderness, the woods of Franklin Park?

A. Yes, the woods of Franklin Park. I went over after the cutting and saw, where there had seemed to be two or three together, that one was taken away.

Q. You have answered my question — you rather assumed in your mind that the object of the cutting of the trees in Franklin Park, the Wilderness, was to produce large, isolated trees, such as they have in the parks of England?

A. I didn't say I assumed — I speculated on it.

Q. You speculated on it?

A. Yes.

Q. (By Alderman GERRY.) You don't mean to say that you saw any trees that looked as though they were isolated in any other place than the Wilderness, so-called. Where is the Wilderness, Mr. Enneking?

A. It seems to me it is that strip as you come from Jamaica Plain. I can't remember the names of streets.

Q. Do you know where Mr. Dole lives?

A. Yes, sir — as you come in there, right and left, all along that street to the right and left, as I remember it.

Q. I ask you if you have seen anything like an isolated tree within the last few years around Jamaica Pond and in through that section?

A. I was not so well acquainted with Jamaica Pond before the cutting, but I saw big trees cut down and in my mind I could see no reason for the cutting of them, the largest ones, unless there was something the matter with them, unless they were rotting. But they told me they were sound. I couldn't imagine why they cut them. I merely speculate — I don't assume anything, because I don't understand the scheme.

Q. Well, you were at that hearing at Pine Bank in 1898, were you not?

A. Yes, sir.

Q. And your contention at that time was that this thing which you disliked so much was going on at that time?

A. Yes, sir.

TESTIMONY OF HENRY D. WILLIAMS.

Q. (By Mr. LUNDY.) Your full name, Mr. Williams?

A. Henry D. Williams.

Q. Where do you live, Mr. Williams?

A. I live on Morton street, opposite Franklin Park?

Q. And your business is what?

A. I am in the art business, on Boylston street.

Q. And you have been engaged in that business for a great many years?

A. I have.

Q. And you know something of art?

A. I hope so.

Q. You have lived for a long time on our park system, have you not, or in the immediate neighborhood of it?

A. I have been on Morton street 30 years — that is, a little longer than the park, I think.

Q. Now, have you made any particular note of the condition of the parks during the last three years, say?

A. I have to some extent.

Q. And the change in the system?

A. So far as it affected our own neighborhood.

Q. Now, will you state briefly to the committee just what you have noticed that has seemed to you to be out of form or improper?

A. Three years ago there was at the corner of Morton street and Forest Hills street a group of Norway Pines — a blessing to the neighborhood, in winter, a spot of color in the landscape, and a protection to the summer birds, and we all enjoyed them. I went out one morning and found the men with their axes at that group of trees. I asked the German in charge what they were doing. He was an old employee of the park system, I think, imported because of his knowledge of trees, to take charge of them, and he said, with tears in his eyes, "My orders, Mr. Williams, are to cut these trees down." I said, "What for?" "I don't know," he said, "those are my orders, and I must do it. I have already protested so much against cutting trees down that I may lose my place," and the tears rolled down the poor fellow's face as he talked about it. He loved the trees. But the trees went down, all of them, and we have a great barren spot there now, with, I think, one solitary, slender, lonely, white birch leaning over the street, feeling very much as we do about it — mourning for the lost group.

Q. Now, did you ever inquire of the Park Commissioners why that was done, Mr. Williams?

A. No, I never did. An attempt was made to have a hearing but I wasn't able to go, and those of my friends who went were rather dissatisfied with the hearing given them.

Q. Have you noted any other features of the park arrangement there that have been destroyed or removed?

A. I think most of you will recollect the handsome bridge that was built over the driveway that leads to Forest Hills. It is at the grand promenade driveway through the park. There is a staircase that leads from that bridge down to the road below. It was built of selected stone of choice color, with a railing, as it were, a solid wall on either side, running down either way to the lower part, winding around, and built at great expense and with great care. Where they began to build the solid wall, the stone, the parapet of that staircase, has been torn away by the workmen, and the stone has been used in building a wall. It seemed to me a waste of material for one set of Park Commissioners to build steps in that way, and then to have another come in and tear them down and throw away the stone, virtually. I protested against it. I went to see one of the Park Commissioners about it, one of the best men I know — that is, Mr. Prendergast — and he said he had just been appointed and had no time to attend to it, but he would ascertain. But the wall was taken down, and you will now find pieces of it scattered in the wall that has been built on the borders of the street.

Q. The stone has been broken up in small fragments, has it?

A. I think put in the wall in junks, most of it. Some of the pieces I can see to-day.

Q. Have you any idea where that stone was imported from?

A. No; I don't know.

Q. But you do know that it was imported stone?

A. No; I said it was brought there — selected stone. If you notice the stone you will see that it is peculiar granite. Certain surfaces are taken which are oxidized and have a red color. That staircase is left without any protection now.

Q. (By Alderman GERRY.) Mr. Williams, you have no hesitancy in saying that you belong to one of the principal art firms of the City of Boston, do you?

A. My business is in art — that is for the public to say.

Q. That firm of yours has been in existence for about how many years?

A. Dates back to 1810.

Q. And how long do you say you have been in business in the store there?

A. 30 years or more. I don't know what that has to do with this.

Q. And have you ever been selected as a judge of art — pictures or any other kind of art?

A. Yes, as an expert many times.

Q. And you consider yourself an expert, do you not?

A. So far as paintings are concerned that come under my charge, that is all.

Q. Yes, so far as paintings are concerned. Now, would you be kind enough to tell this committee what you think of the general scheme of landscape architecture that has obtained in the park system, so far as you know, for the last four or five years?

A. There has seemed to me to be a lack of scheme in landscape gardening. I don't know that I am competent to criticise those matters, because that is a specialty, which I think goes only with study and care and with long familiarity. I do love nature, and I like it unadorned to a certain extent and in its original way, and I think a great deal has been done there to destroy the symmetry and beauty that was there originally at the time, I mean, when the grounds were taken for the park. They are familiar grounds to me. I have tramped over them many a time in years gone by; and, while a great deal has been done that is very beautiful, I think there has been a reckless cutting down of trees.

Q. As an artist, as a man of artistic tendencies, would you protest against any further cutting down of trees, except what is absolutely necessary for the safety of the community and the undoubted health of a tree or group of trees?

A. Yes. I think they should be left more in groups than the management have shown a desire to do.

Q. You know that this stone wall you speak of is something that has been put up there within a year, do you not?

A. Yes, this last summer — hurried up this last season?

Q. And what is your idea of the artistic effect of that?

A. I don't like it. I don't think it belongs to the country, with nature there. How much better it would be to make a small mound and plant a hedge, something rural. Here we have a massive wall that might belong to a wealthy Englishman's place or to any nabob's palace, but not to a park for the city for the common people and everybody. I shut you off to a certain extent. It is a rebuff to the public, says "Keep out of these grounds," to a certain extent. That is my impression of it.

Cross-Examination.

Q. (By Mr. MATTHEWS.) Are you familiar with Central Park at all?

A. Yes, sir.

Q. You have seen it?

A. Yes.

Q. You know that that park is surrounded by a heavy, massive boundary wall?

A. Yes, I know it, but it is in the centre of the city. It is surrounded by a great deal of massive architecture, massive masonry, with which it harmonizes very well. But that is not the case here — this is in the country, truly rural.

Q. But there is a boundary wall there?

A. Yes.

Q. And you understand that there has been a boundary wall built around Franklin Park, in accordance with Mr. Olmsted's original plan?

A. I don't know about that — I have understood that.

TESTIMONY OF SEWALL D. BALKAM.

Q. (By Mr. LUNDY.) What is your full name?

A. Sewall D. Balkam.

Q. How do you spell your name?

A. Sewall, S-e-w-a-l-l, D. Balkam, B-a-l-k-a-m.

Q. Now, you live where?

A. 55 Green street, Jamaica Plain.

Q. What is your business?

A. General hardware, furnaces and plumbing.

Q. And where are you located?

A. 688 Centre street, nearly opposite Burroughs.

Q. Are you familiar with the park system in that neighborhood?

A. Yes, sir.

Q. Have you noted particularly the movements of the park officials about that section during the last three years?

A. I have to quite an extent.

Q. Around Jamaica Pond at all?

A. Yes, sir.

Q. And what have you noticed there, Mr. Balkam?

A. Well, the first thing I noticed to require criticism, I think, was that my attention last fall was called to the fact that they were dumping earth and gravel into the pond, covering up a very expensive wall that had been built there a few years previously. I could hardly believe it. "Well," they said, "you go and see just what they are doing." I did go up that way, and, sure enough, the iron fence had been taken down and teams were going back and forth. I think I counted some 20 or 25 double teams, some loading, some dumping, and some going back and forth, apparently digging out the earth along the bridle path, I should say, and dumping it into this other place. I asked why

they did that, and the answer, I think, was "To plant shrubs," that they were digging this out in order to fill it up with richer material. So it went on — I can't tell how long, but several weeks, I should say.

Q. You noticed that yourself, personally?

A. I saw that myself, personally, yes, sir.

Q. Now, what else did you notice there, Mr. Balkam?

A. Later on I noticed that they were taking down this expensive wall that they had previously built and dumping that down into the pond — large stones and then earth.

Q. How long a wall was that that you noticed being thrown into the pond?

A. I don't know. I never thought much of the length of it — I should say 500 to 700 feet, perhaps, or more.

Q. When was that wall constructed? Do you know?

A. Oh, I should say five or six years back.

Q. Have you any idea what was paid for the construction of that wall at that time?

A. No, sir.

Q. But you personally saw the stones thrown into the water?

A. Yes.

Q. Now, do you know anything of the quality of that stone?

A. It was ordinary granite, I should say — a sort of granite something like the Quincy granite, I should say.

Cross-Examination.

Q. (By Mr. MATTHEWS.) How many courses of that wall were thrown into the pond?

A. I don't know, sir.

Q. More than one?

A. I don't know. They were working on the top of the wall.

Q. This was the top course that was thrown in?

A. Well, that is what they were working on when I went by there; yes, sir.

Q. As far as you know, the rest of the wall is there?

A. In the pond.

Q. The rest of the wall?

A. Yes, buried up with the earth, I think.

Q. Do you think so now?

A. Yes, sir.

Q. Have you seen it lately?

A. I haven't seen it since the ice went out. There is another matter I noted, if I may be allowed to speak of it, and that is the stone wall on Prince street.

Q. Around Jamaica Pond on Prince street?

A Yes, sir; quite a high wall, extensive.

Q. Did you notice that the top course of this other wall was bevelled?

A. The whole wall, the first wall I spoke of, was bevelled, sloped down into the water.

Q. That is, every stone bevelled?

A. I think so, yes, sir; and, speaking of the other wall on Prince street, it was a very beautiful sight there walking along or driving before this high wall was put up, at great expense. It seems to me that a lower wall would have answered their purpose, and that the natural condition would have been much better. Then, in regard to the shrubs, where they were carting this loam, and in other places — there were a great many places years back where you could get a good view of the water around the park system, especially down through the Fens, where you could get a good view of the water in many places. Now they have hidden it almost entirely, and you have got to do some hunting to see the water.

Q. Now, you think there are too many shrubs along the Fens, that there is too much shrubbery?

A. In places, yes, sir.

Q. You would like more openings, where you could look down into the basin of the Fens?

A. Yes, sir.

Q. In regard to this wall along Prince street, do you remember what sort of a fence was there before this wall was built?

A. Well, if my memory serves me, there was a sort of low, rough wall in places.

Q. Wasn't there a high wooden fence that nobody could see over?

A. Might have been at the Parkman estate — not farther down.

Q. Wasn't there not only at the Parkman estate, but in front of the ice-house on Prince street?

A. Well, I don't remember as to that.

Q. (By Alderman GERRY.) Mr. Balkam, do you remember that there was a wooden fence along the Parkman estate while Francis Parkman lived there?

A. I think there was.

Q. You think, also, that there was a fence that shut out the ice-house yard, the ice-house, etc., from the street, shut it out from the view, do you not?

A. Well, I think it was hard to recall just what the conditions were. I remember the ice-house there and the yard in back.

Q. Do you remember whether there was a high fence in front of the Robert M. Morse estate or the Frothingham estate, or the Pierce estate, for about half the distance of the street where that wall is?

A. I should say there was no board fence from the Robert M. Morse land.

Q. No fence except a short wooden fence that he had there?

A. Yes, sir.

Q. Now, you remember, you say, about the shrubs in the Fenway, etc. Do you remember that within a year they have planted quite a number of shrubs on both sides of the bridle path from Perkins street to Pond street, so called? You noticed that they dug a trench there, did you not?

A. Yes, I noticed that.

Q. Have you noticed what they put in?

A. I haven't noticed that; no, sir.

Q. Any shrubs along there?

A. I haven't noticed especially.

Q. Did you notice where the bicyclists used to sit along on that bank?

A. Oh, yes, along near the boat-house — there was quite a large bank in there among the trees.

Q. And from there to Perkins street you haven't noticed that they have planted a line of shrubs along on each side of the bridle-path, have you?

A. Yes, I think I have noticed that the green grass sward there has been displaced.

Q. Did you notice about the same sort of shrub, quick growing shrub, that you objected to, perhaps, in the Fens, along there, a shrub whose branches are red in the winter time, and that grow very rapidly?

A. No, I haven't noticed the character of that.

Q. Well, if you had noticed them, the same sort of shrubs that were along the Fenway, what would your idea be as to how long a time would elapse before that pond was shut out from the observer?

A. Well, if they grow as rapidly as in the Fens, it will be only a very few years.

Q. In your opinion, is that a good thing for the community that either walk or ride along there?

A. As I hear the criticisms and comments made, it is not the thing the people want. A great many other things have been done, too, I think, contrary to the wishes of the people.

Q. State one or two?

A. Removing the flag-staff, for instance, from Franklin Park, the beautiful pole that stood there and must have cost $1,000. You could see the stars and stripes floating there for a long distance, and I think it was a source of patriotism and inspiration to the children, to everybody who saw it for a long distance. Now it has gone.

Q. You are familiar with the stars and stripes, I think?

A. Yes.

Q. What makes you so?

A. I am patriotic, I think.

Q. Were you ever President of the Carnival Association?

A. Yes, sir.

Q. Was there anything else that you can tell this Committee and criticise about the Park methods?

A. The first thing, and one of the most objectionable, I think, was the bicycle lantern law. Some people said that, as the next move, they thought it would be well for the Commissioners to shut the parks up, to keep people out by putting up a stone wall wherever they could get in. They have shut out the bicycles except those that carry lanterns, and, as everybody who rides a bicycle knows, there is no possible need of a lantern in the park, it is so well lighted. Where we used to see hundreds and thousands of wheels around the parkways, around the pond, along about sundown, you now see hardly any. I went up Saturday night on my wheel — I didn't have a lantern, have never carried one and never shall, I think — and I saw three wheels while I was standing there, about ten minutes. The fact is that you can hardly ride in any direction about the city, going from one section to another without occupying the parkway, on account of the good road. But if you get on Jamaicaway after the hour for having a lantern, and a policeman gets hold of you, you are pulled in. God save the bicycle rider without a light at sundown — he can't get home. As everybody knows who has had anything to do with bicycle lanterns, there is hardly one of them that can be relied on, they are so complex in their arrangement. I have understood, however, that there is to be a hearing in regard to the abandonment of that law. It certainly is a great annoyance to thousands of men in our vicinity and all over the city.

Q. You know something about the bicycle, do you not?

A. I do.

Q. Are you a dealer in bicycles?

A. Yes, sir.

Q. And you have been in the way of hearing a great many complaints, have you?

A. Yes, sir.

Q. (By Mr. MATTHEWS.) What became of this flagpole that was removed from Franklin Park?

A. I don't know. I was told the other day that it had been carried to Franklin Field.

Q. Don't you understand that it now floats over the sports and assemblages at Franklin Field?

A. I have been told that that is where it went.

Q. Don't you think it is as much a source of patriotic inspiration waving over Franklin Field as where it formerly waved, in the Playstead of Franklin Park?

A. I don't think nearly as many people see it there as saw it in Franklin Park.

Q. Do you mean to say that more people go into the Playstead at Franklin Park than patronize Franklin Field?

A. I think so, yes, sir.

Q. Have you any statistics on that subject?

A. No, sir; I have been to Franklin Field only once.

Q. Don't you know that four or five times as many people go to Franklin Field as to the Playstead in Franklin Park?

A. The Playstead doesn't cover Franklin Park. You could see the flag waving from all parts of Franklin Park, over a number of hundred acres. The Playstead, of course, covers only a few acres.

Q. How many people going into Franklin Park could see the flag, in comparison with the number who can now see it in Franklin Fleld?

A. I have not the slightest idea of the number of people who go to Franklin Field. As I say, I have been over there only once myself to see any sports.

Q. You can see the flag now from Franklin Park, can't you?

A. I don't know.

Q. Do you know what the rules about bicycle lamps are in the New York parks?

A. No, sir.

Q. You know they have to carry lamps?

A. I don't know that they do.

Q. If they have to carry bicycle lamps in New York, in Central Park and other parks, there is no reason why they should not do it in Boston?

A. They do a great many things in New York that we don't want to do here. I don't know that that should govern us.

Q. You think, even if the New York bicyclist has had to carry a lamp in New York city, that it is impossible for a Boston bicyclist to do so?

A. Not impossible, but very annoying, and it deprives a great many of riding, who enjoyed the bicycle before.

Q. Do you know what the bicyclists of New York think about it?

A. No, sir.

TESTIMONY OF CHARLES J. CHANCE.

Q. (By Mr. LUNDY.) Your full name, Mr. Chance?

A. Charles J. Chance.

Q. And you live where?

A. 787 East Sixth street, South Boston.

Q. Have you ever held office in the city or state government?

A. I have, sir.

Q. And what office?

A. Councilman in 1889; Legislature in 1891 and 1892.

Q. Now, are you familiar with the arrangements at Marine Park, in South Boston?

A. I am, sir, fairly well.

Q. Now, do you know anything about the management of the Head-house there?

A. Some.

Q. What can you tell us about that, Mr. Chance, as a representative of your district there?

A. Well, I would state that for four or five years the people of South Boston have been working very hard to have this matter brought before the government. They have had two or three hearings before Mayor Quincy, and have had very poor results from the same. Now, Mr. Chairman, the committee have fairly well gone over the Head-house business, but there are a few things that they have not touched upon. One of those in particular is a deep channel that has been dug by Sheldon, that is a death trap, and one man has been drowned, besides a number that have been saved by the life-saving crew. Now, these are facts, Mr. Chairman. Mayor Quincy was informed of the matter personally by the life-saving crew, and any good lawyer could have taken up that case of the drowning accident and sued the city of Boston, because it was after the Mayor and Park Commissioners, who were all present at the time, had listened to the testimony that was given. This channel, Mr. Chairman, at extreme low water is within two or three feet of the bathing beach; at ordinary tides it is from six to twelve feet. Of course, the tides

differ on different days. This channel should have been dug on the other side of the wharf, to the southward. I claim, and the citizens claim, that it was gross mismanagement on the part of the Park Commissioners to allow Mr. Sheldon or any corporation, after the building of a bathing beach, to then dig a channel right on top of it. No commission that understood bathing or the facilities that are given there to the people would have allowed it.

Q. Mr. Chance, have you any idea what the idea was in building, constructing that channel there?

A. That was for the corporation known as the Sheldon Company to use as a steamboat channel, in and out. They use it for making money, carrying people across to the fort and other places.

Q. Do you know whether they have any special permit for that from the Park Commissioners?

A. They have the whole control of the boating system, as I understand it, in Boston, on the park system.

Q. Now, was any protest made to the Park Commission against the construction of that channel — to Mr. Stratton, for instance?

A. That I am not aware of, until after it was constructed — then there was a protest. Before that I don't believe the people knew what was going on.

Q. After it was constructed was there ever any hearing granted by the Park Commissioners?

A. Not that I ever heard of.

Q. Was any requested?

A. The only hearing given was by Mayor Quincy.

Q. Anything beyond that, Mr. Chance?

A. Then, of course, the Head-house has cost over $200,000, with the repairs on it. That you can get at by sending to your Auditor, proving the assertion to be true, and the people claim that no building costing that amount of money should be given to an individual for a profit, without some return.

Q. Do you know whether anybody ever made a bid for that place that wanted to use it for that purpose and was willing to pay a fair compensation for it?

A. I believe the Park Commissioners before Mayor Quincy admitted that there was never an advertisement for it. It was given to this man, I understand, at the time without any advertisement, he being the only applicant for it.

Q. That is all, Mr. Chance.

A. There is one thing more. Talk about beautifying the parks — I would like the committee to go over and look

at the whole four South Boston yacht clubs that have been built, and see what an improvement your committee itself could make by placing those club houses 400 or 500 feet farther apart, giving them more room for their rafts and beautifying the park accordingly. You can look at them. If you were building four hencoops you wouldn't put them so close to one another, and if the committee will look they can see where an improvement would be made by distributing those four club houses, giving them more room for rafts, and so on, besides having more room in the park. There has also been a wharf built that cost $30,000. That wharf has been given to Mr. Sheldon, according to what the gentlemen on the water front say. Mr. Hutchins claims that Mr. Pettigrew admitted to him that Sheldon had full control, without any expense. It is not right for the city to build a building or a structure and allow a corporation to come in and use it for a profit. If they are going to beautify the park system, they should do differently. The moment they allow Mr. Sheldon or any corporation — I don't mention that man particularly, but any corporation — to use that for a ferry wharf, to drive steamboats in and out, they are going to drive all our yachts away from the point. It is impossible for them to moor their boats where they can get at them without the risk of their moorings being cut. That should not be allowed. There should be a proper space kept there for visiting yachtsmen and for such boats as do not use steam or carry propellers.

Mr. MATTHEWS. — No questions.

Mr. LUNDY. — We rest here, Mr. Chairman.

The CHAIRMAN. — You rest your case here?

Mr. LUNDY. — Yes.

The CHAIRMAN. — Counsel informs the committee that he rests his case here.

(At this point the application of the Park Commissioners to the Mayor and City Council for $50,000, for construction work, was put in as "Exhibit 62." See close of day's hearing.)

The CHAIRMAN. — Mr. Lundy has rested his case. Mr. Matthews desires to go over and peruse the testimony, and, by agreement of both sides and the committee, the hearing will be postponed until Tuesday, the 24th of this month, at two o'clock in the afternoon, when the other side of the case will be heard. The hearing stands adjourned until Tuesday, the 24th of April, at two o'clock P.M.

EXHIBIT No. 60.

[DOCUMENT 66 — 1900.]

MESSAGE OF THE MAYOR

TRANSMITTING

INFORMATION FROM THE PARK COMMISSIONERS RELATIVE TO TEAMS HIRED BY THEM.

MAYOR'S OFFICE,
BOSTON, MASS., 26 March, 1900.

To the Honorable the Board of Aldermen:

GENTLEMEN, — A communication from the Park Commissioners, in answer to your order of March 12, requesting certain information in regard to teams hired by them, is transmitted herewith.

Respectfully,

THOMAS N. HART, *Mayor.*

IN BOARD OF ALDERMEN, March 26, 1900.

Ordered to be printed, and referred to the Special Committee on Investigation of the Park Department.

EDWARD J. DONOVAN,
City Clerk.

CITY OF BOSTON,
BOARD OF COMMISSIONERS OF THE DEPARTMENT OF PARKS,
March 26, 1900.

HON. THOMAS N. HART, *Mayor*,
City Hall, Boston:

DEAR SIR, — In accordance with the enclosed order of the Board of Aldermen, I send you herewith the number of teams, the names of owners, the amounts received by teams employed, whose owners had no numbers in the park drawing, and the reasons why said teams were employed, being generally that the regular teams were not available in these cases. No period is specified in the order, but the enclosed replies cover the season 1899–1900.

Yours respectfully,

CHARLES E. STRATTON,
Chairman.

The order above referred to is as follows:

Ordered, That the Park Commissioners be requested to report at the next meeting of this Board the number of teams, the names of owners, the amounts received by teams employed whose owners had no numbers in the Park drawing, and why said teams were employed in direct violation of their so-called rules.

BOSTON PARK DEPARTMENT.

LIST OF TEAMS EMPLOYED DURING THE SEASON 1899–1900 UNDER THE DRAWING.

Andrews, Charles, Auburn street.
Biggs, David M., Marsh street.
Bradley, John, 29 Shelton street.
Brady, Patrick J., St. Mark street.
Broderick, Francis G., 40 Custer street.
Brown, Reuben P., 12 East Cottage street.
Bunker, Charles E., Highland street.
Cahill, Edward C., 168 Chelsea street.
Callahan, Michael F., Spring Hill.
Carraher, Joseph J., 12 Dale street.
Cairnes, Thomas, 44 Zeigler street.
Carter, John H., 2 Lubec street.
Clinton, James H., 405 Hyde Park avenue.
Clinton, Lawrence C., 43 Withington street.
Coleman, James, 1 Torrey street.
Collins, Patrick, 7 Paris court.

Condry, Patrick J., 47 Keyes street.
Coogan, James J., 76 Rockland street.
Coran, Michael, 291 West Fourth street.
Corrigan, Francis W., 123 Brookside avenue.
Corrigan, Patrick, 125 Brookside avenue.
Cushing, Roger P., 400 Harvard street.
Dolan Brothers, 30 Jamaica street.
Dolan, James, Hampstead road.
Dolan, Michael D., 3835 Washington street.
Dolan, Thomas A., Hampstead road.
Dolan, William L., Hampstead road.
Donley, James T., Hyde Park avenue.
Dorr, George, 278 Norfolk street.
Driscoll, John P., 228 Chelsea street.
Driscoll, William, 281 Fourth street.
Dunn, Patrick, 874 West Broadway.
Downey, John, 3764 Washington street.
Doyle, Bernard F., 3476 Washington street.
Doyle, John J., 555 East Second street.
Edgerly, Fred A., 200 Washington street.
Egan, John F., 176 Ward street.
Egan, Michael H., 176 Ward street.
Engman, George S., 80 Conant street.
Fallon, Patrick, 199 Keyes street.
Fallon, Richard C., 3892 Washington street.
Finneran, William, 205 Heath street.
Finnity, Catherine T., 108 Brookside avenue.
Finnity, Edward, 120 Keyes street.
Finnity, John H., 112 Brookside avenue.
Flynn, Dennis D., 49 Shelton street.
Fox, Margaret G., 71 Keyes street.
Gallagher, Edward, 52 Langdon street.
Galvin, Thomas F., 77 Keyes street.
Galvin, William H., 77 Keyes street.
Glancy, William J., 71 Keyes street.
Glennon, John, 23 Greenwood avenue.
Glennon, William P., 23 Greenwood avenue.
Goodnow, Joseph S., 6 Argyle street.
Gushee, A. S., 92 Fuller street.
Hall, Aaron A., 51 Charlotte street.
Hanley, M. A., 90 Boylston avenue.
Hayes, Patrick J., 58 Norton street.
Judge, Bernard, 70 Boynton street.
Kelly, John S., 88 Boylston avenue.
Kelly, Thomas P., 14½ Hutchins avenue.
Kelley, John W., Jewett street.
Kelley, Martin, 17 Hutchins avenue.
Leary, Lewis F., 83 Orleans street.
Lombard, James H., 9 Monument square.
Lynch, Frank A., Walk Hill street.
Lynch, Joseph A., Walk Hill street.

McCarthy, James F., 12 Ferrin street.
McDonald, Thomas G., Water street.
McGinnis, Patrick, 236 Keyes street.
McHugh, Edward, 524 Brennan street.
McKinney, George L., 26 Rockland street.
McLaughlin, Timothy J., Peter Parley street.
McMahon, P. F., 422 Seaver street.
McMorrow, Elizabeth, 171 South street.
McNealy, John, 63 Marshfield street.
McNulty, Patrick J., 3858 Washington street.
Maloney, James D., 48 Union avenue.
Manning, John J., Canterbury street.
Manning, Thomas F., Canterbury street.
Marshall, H. F., 10 Roswell street.
Miley, James, 78 Carolina avenue.
Minton, Thomas, Orchard avenue.
Minton, Thomas F., Orchard avenue.
Mullen, Delia, 109 Childs street.
Mullen, Peter J., 326 Harvard street.
Mulrey, John, Canterbury street.
Mulrey, Joseph P., Canterbury street.
Mulrey, Timothy, 39 Keyes street.
Murphy, James F., 296 Kilton street.
Murray, Eben, Arborway.
Murray, William A., Call street.
McSolla, Michael J., 687 East Second street.
Norton, Lawrence, Forest Hills street.
Norton, Patrick H., 77 Green street.
O'Brien, Jeremiah C., 3 Stafford street.
O'Brien, Thomas, 22 Gurney street.
Scannell, Mary A., 7 Sewall street.
Sexton, John H., Oakland street.
Sullivan, John H., Lake street.
Sullivan, Joseph A., 287 Norfolk avenue.
Turnbull, Thomas E., 10 Green street.
Vantassel, William, 3508 Washington street.
Walsh, Thomas P., Bradstreet avenue.
Weiss, August, 98 Cornell street.
Welch, Richard C., 33 School street.
Welch, Thomas F., Gardner street.
Whittemore, Charles W., 45 Hastings street.
Total, 108 teams.

PARK DEPARTMENT.

TEAMS EMPLOYED DURING 1899, OUTSIDE THE DRAWING.

Timothy Lynch, 1-horse team, $2\frac{1}{9}$ days	$6 33
" " 2 " " $4\frac{1}{9}$ "	20 56

(Employed at Marine Park by Foreman Julius Weidner.)

Cornelius O'Leary, 1-horse team, 4 days	$12 00
William Carr, 1-horse team, $2\frac{1}{2}$ days	7 50
John Feeney, 1-horse team, 1 day	3 00
Frank Weston, 1-horse team, $4\frac{7}{9}$ days	14 33

(Employed at Charlesbank and North End Park by Foreman John F. Murphy.)

John J. Fitzpatrick, 2-horse team, 9 days	$45 00

(Employed at Wood Island Park by Foreman William L. Tuttle.)

H. P. Nawn, 2-horse team, 2 days	$10 00

(Employed by Foreman James B. Shea, at Franklin Park, to move hoister from Arnold Arboretum to Franklin Park, being unable to get suitable team otherwise.)

Patrick Mahoney, 1-horse team, 14 days	$42 00
Patrick Mahoney, 2-horse team, $\frac{8}{9}$ day	4 44

(Employed at Charlestown Heights and Playground by William Dunbar.)

William Gilligan, 2-horse team, 3 days	$15 00

(Employed at the Fens by Foreman H. D. Marten.)

MARINE PARK, March 24, 1900.

J. A. PETTIGREW,

Superintendent of Parks:

DEAR SIR, — In regard to the teams employed at Marine Park during the year 1899, I have to state that I have always sent for teams according to their numbers, and only on two occasions was I obliged to take first team to hand, and then only after having sent for the numbered teams, which I failed to get when wanted and as soon as I could get the teams I let Lynch's team go and retained those who had the lowest numbers. (See report, April 29 and May 1, also reports, May 5 to 25.) On one or two occasions when Contractor P. Dunn could not furnish his own team he hired

Lynch's and sent him to me. Mr. Wm. H. Timson would ask me about the team by telephone, and I gave him the desired explanation at that time.

Yours respectfully,

J. WEIDNER.

BOSTON, March 24, 1900.

MR. J. A. PETTIGREW,

Superintendent of Parks:

DEAR SIR, — Enclosed you will find a memorandum of work done on Charlesbank and North End Parks during the year 1899, by single teams, also the names of owners — the teams were located near the park, and could be called at any time, especially to remove snow from walks and skating grounds after a storm.

With the exception of some work done by William Carr, at North End Beach, removing rubbish for which he was paid by the load, and presented a monthly bill to the office, this was all the teaming work done by hired teams.

Respectfully yours,

JOHN F. MURPHY, *S. F.*

WOOD ISLAND PARK, EAST BOSTON,
March 24, 1900.

I will say in regard to Fitzpatrick's team that worked at the park some ten days or two weeks without any number, was in the month of May, 1899. At this time there were quite a lot of trees and shrubs set out. The ground being very dry was obliged to get a watering cart. Could not get one from any of the men that had a number for teams in East Boston. I telephoned at once to headquarters for instructions, and was told to get a team and watering cart from anyone that would send one subject to my order. The one above-mentioned was the only one I could get. My orders came from Mr. Pettigrew, through Mr. Dawson, the gardener. The price per day was $5.

Yours truly,

WM. L. TUTTLE, *S. F.*,
East Boston Park.

CHARLESTOWN HEIGHTS, March 24, 1900.

DEPARTMENT OF PARKS,

J. A. PETTIGREW, *Superintendent:*

DEAR SIR, — Teams used in Charlestown District, during skating season, on the following dates are all right.

I engaged Patrick Mahoney as the nearest man who had teams to let, by order of Mr. Murphy, sub-foreman of Park Department.

Very respectfully,

WILLIAM DUNBAR.

MR. PETTIGREW:

William Gilligan's double team worked at the Back Bay Park, June 1, 3, 9, 10, time amounting to two days, $10 00
And also on Oct. 2, for one (1) day 5 00

$15 00

The reason for this was he being the only one to have a suitable rigging for the work. The work required a double hay rigging.

H. D. MARTEN.

EXHIBIT NO. 61.

FRANK A. FOSTER,
CIVIL ENGINEER, SURVEYOR AND CONTRACTOR,
34 SCHOOL STREET, BOSTON.

To Committee on Park Investigation:

GENTLEMEN, — The following is the loam I find in Marine Park after making a careful survey of same; the average depth of loam is 1.18 ft. The total number of cubic yards on the ground measures 13,941 cu. yds. Allowing for settlement, would make the estimate for loam delivered, 17,425 cu. yds.

Respectfully submitted,

April 3rd, 1900. FRANK A. FOSTER.

EXHIBIT 62.

CITY OF BOSTON,
BOARD OF COMMISSIONERS OF THE DEPARTMENT OF PARKS,
JAMAICA PLAIN, MASS.

To the Mayor and City Council of the City of Boston:

We respectfully request that we be authorized to expend the sum of $50,000 in construction work upon the Park System.

We have already asked you for $250,000 to finish the Parks, and being informed that it is unlikely that under the present laws we should be given that sum by you, we have asked, under the proper authorization, the Legislature for that amount of money. With the ordinary delays of legislation we cannot expect to receive any of this money for several weeks, perhaps not before the first of May.

Our construction money will be exhausted in about two weeks, and unless the City Council, following the example of a former year, will grant this petition, we shall be obliged to discharge over two hundred and fifty employees, to their great hardship and to the detriment of the City.

Under this proposed bill this $50,000 will be made a part of the $250,000 to be given us by the Legislature.

CHARLES E. STRATTON,
LABAN PRATT,
JAMES M. PRENDERGAST,
Board of Commissioners of the Department of Parks.

TWELFTH DAY.

CITY HALL, April 25, 1900.

The committee met in the aldermanic chamber, City Hall, at 2 o'clock P.M., Chairman NORRIS presiding.

Appearances. — Same as before.

The CHAIRMAN. — The committee will please come to order and the hearing will proceed. Mr. Matthews, will you call your first witness.

Mr. MATTHEWS. — Is it the desire of the committee to proceed without a full complement of its members?

The CHAIRMAN. — There is a quorum of the committee present. The Clerk will call the roll of the committee.

The clerk called the roll with the following result:

Present. — Aldermen Norris, Day, Gerry, P. O'Brien — 4.

Absent. — Aldermen Codman, Dixon, Jordan — 3.

The CHAIRMAN. — A quorum of the committee appears to be present, and the hearing will be resumed. Did you wish to address the committee, Mr. Lundy?

Mr. LUNDY. — I was going to say, Mr. Chairman, that Mr. Matthews' particular objection is this, that he thinks it only fair that, when the case for the defence is going in, there is to be as nearly as possible a full quota of the committee present.

Mr. MATTHEWS. — It seems to me only fair, Mr. Chairman, that the members of the committee should be here. It seems to me they should make some special effort to be here. Of course, you can go ahead with a quorum of the committee, but it seems to me it would be much better if the full membership of the committee were present.

The CHAIRMAN. — Every member of the committee received a notice of this hearing, and if they do not see fit to be present, after receiving the notice, the Chairman has no alternative except to go ahead with the hearing, a quorum being present — especially as we desire very much to get through with this.

Mr. MATTHEWS. — Well, Mr. Chairman, I would like to enter a respectful protest — not caring to argue the matter at any length. I am willing to submit to the ruling of the Chairman, but I would like simply to say this: If this were an ordinary court or legislative hearing, there would not be any objection to proceeding in the absence of a quorum, but these proceedings here are not only an investigation of the

department in the due course of legislative work, but they are somewhat in the nature of a semi-trial, being conducted according to the forms of law and with the assistance of sworn evidence. Under those circumstances, it seems to us that we are entitled to the presence of the full membership of the committee, as we would be in a court of law. I would like to suggest, also, that one practical reason for that desire is this: I should assume — I don't know with what justice, but I should assume — that the members of the committee will feel very reluctant to wade through the thousand or two thousand printed pages of evidence that has been and that will be taken in this case, if they have not been present, and it might well be that the committee would meet for its final deliberation without some members of the committee having either heard the witnesses testify or having read what they said. As I say, I do not care to argue the matter, if the committee have decided to go on, but it seems to me a little unfair.

The CHAIRMAN. — It seems to me that there are some members of the committee that are subject to reprimand. Personally, as one member of the committee, I feel that we should continue the hearing and get through with it. I have no doubt that it has been inconvenient for some of the members of the committee who are present to be here. I, myself, have never missed a meeting, and there are other members who have not. I believe that it is the wish of the committee to go right along. If the other members of the committee are not interested enough to do their duty, that is the fault of those members who are not present. I think it is the wish of the committee that we should proceed.

Mr. MATTHEWS. — Well, Mr. Chairman, I will then proceed at once. Under the ruling of the committee at the first hearing, I will make no formal opening, but I would like to say a few words in explanation of, or as an apology for, putting in any evidence at all. There has been no trustworthy evidence tending to show mismanagement, extravagance or waste on the part of the Commissioners, or incompetency or corruption on the part of their subordinates, and if this were an ordinary case, to be settled by a simple verdict of guilty or not guilty, I should advise my clients to rest their case on the evidence already heard, confident that the committee could not fail to find for the Commissioners. But this is an investigation, as much as a trial, and its termination is not a simple verdict of "yes" or "no," but a report, which may be of any length. This report may conceivably touch upon each and every one of

the seventy-five or one hundred particulars in which the conduct of the Park Department during the past fifteen years has been criticised by the witnesses who have been heard. The report, when made, will, together with the evidence, be published as a public document and perpetuated as an official proceeding of the city of Boston.

From a certain point of view, Mr. Chairman, more weight is, perhaps, to be attached to the conclusions of the committee and to the evidence upon which they are based than would be the case if the testimony were not printed and the findings took the form of an ordinary verdict. Much of the criticism found in the evidence thus far taken, while not affecting the Commissioners themselves, is likely if perpetuated in print without further explanation, to reflect injuriously upon the reputation of some of their associates, subordinates or predecessors; and it cannot be doubted that the persons thus affected would prefer to have the record include the actual facts of the case as well as the criticism founded upon what the witnesses supposed the facts to be.

Finally a large part of the evidence consists of an attack upon those well recognized principles of park management and landscape work, in conformity with which our various Park Commissioners have succeeded in bringing the Boston parks to their present state of usefulness and beauty.

Practically all the points of criticism affecting the general policy of the department with respect to landscape work, etc., do not touch the present Commissioners at all because the work complained of was in almost every instance due to the action of former Commissioners.

Under the circumstances if the Commissioners considered their personal interest and convenience alone they would follow the advice of counsel to submit their case to the committee upon the evidence already taken, supplemented by the testimony of the superintendent, who was prevented by illness from being present at the previous hearings. But in view of the considerations which have already been indicated, the Commissioners have concluded that in justice to their subordinates and in the interests of the parks themselves and of the city of Boston, whose servants they are, they deem it their duty to see that every question concerning the actual or proper management of the parks that has been raised upon the record of this case should be answered in the record.

They will, therefore, submit, through the testimony of persons having actual knowledge, the real facts, in ignorance of which so huge a mass of puerile and unthinking criticism

has been built up. These witnesses will explain the administrative methods under which the parks have been managed during the past four years. One or two experts in park scenery and tree culture will then inform the committee concerning those principles of landscape art and park plantations which are universally recognized as necessary to the creation and maintenance of beautiful and useful urban parks.

Now, Mr. Chairman, with that explanation, I will call Mr. Clarke, the Secretary of the Park Commission, to the stand. I believe I stated to Mr. Lundy that I would have Mr. Pettigrew come here at this hearing, and he is here, but I would like to put in some records first, before calling him, if Mr. Lundy has no objection.

Mr. LUNDY. — I do not object.

The CHAIRMAN. — Mr. Clarke, you have been sworn?

Mr. CLARKE. — I have; yes, sir.

The CHAIRMAN. — Proceed.

Mr. MATTHEWS. — Mr. Chairman, in regard to putting in the records of the Park Department, is it necessary that I should put them in as evidence, in the ordinary way, or will the committee take cognizance of them, as official records of the city of Boston?

The CHAIRMAN. — If you put in the records of the Park Department as evidence, the committee will deal with them.

Mr. MATTHEWS. — Well, is it necessary to put them in by reading them? I shall want to refer to them in argument, but I do not care to spend several hours reading them, unless it is necessary.

The CHAIRMAN. — Well, put them in, and leave the records here with the committee.

Mr. MATTHEWS. — Well, have you the records here, Mr. Clarke?

Mr. CLARKE. — No, sir; but they will be here very shortly.

TESTIMONY OF GEORGE F. CLARKE. — *Recalled.*

Q. (By Mr. MATTHEWS.) Mr. Clarke, can you state how the general expenses of the department for office expenses, engineering, superintendence and rents compare now, or have compared during the past few years, with what they were formerly?

A. I have a list which states the reductions in expenses since 1896 — the reduction in office expenses, in engineering, design and superintendence, and in rent.

Q. You mean since January 1, 1896, when you say since 1896?

A. Since January 1, 1896, compared with January 1, 1900.

Q. Is that list compiled from the books of the department?

A. The list is compiled from the books of the Board.

Q. And what does that table show?

A. It shows — without going into the actual detail in each case — that the office expenses were reduced from $10,530 in 1896, to $7,638, in 1900; that the expenses for engineering, design and superintendence was reduced from $24,223.75 in 1896, to $16,964, in 1900. The office rent paid by the department in 1896, was $2,000; in 1900, no rent was paid.

Q. What is the total saving effected in the matters which you have enumerated in that table?

A. The total saving is $12,151.75 — just 33 per cent. of the amount formerly paid in 1896.

Q. I understand you to say that the details of these reductions are in the paper which you have before you?

A. They are.

Mr. MATTHEWS. — I would like to offer that paper, Mr. Chairman. I don't know what number exhibit it will be.

The CHAIRMAN. — It will be Exhibit 62.

(The paper was handed to the Clerk, and was marked Exhibit 62. See copy at end of this hearing.)

Mr. MATTHEWS. — Will you hand that exhibit to Mr. Lundy, please?

(The exhibit was handed to Mr. Lundy.)

Mr. LUNDY. — You are not through with Mr. Clarke yet, are you, Mr. Matthews?

Mr. MATTHEWS. — Oh, no. Mr. Chairman, do we go on to-morrow afternoon? I wish to know now, so as to notify witnesses to be present, if the committee is to go on.

The CHAIRMAN. — Well, the committee did not sit on Thursdays before, as a rule, and we have a meeting of the Committee on Ordinances to-morrow afternoon.

Mr. LUNDY. — Are we going to have evening sessions, might I ask?

The CHAIRMAN. — I should say that the next meeting would be Friday. We did not have meetings before on Thursday evening on account of the Common Council meeting, and we have a meeting of the Committee on Ordinances to-morrow afternoon.

Mr. MATTHEWS. — Friday afternoon at two o'clock?

The CHAIRMAN. — Yes, sir. Are you through with the witness?

Mr. MATTHEWS. — Oh, no. I have hardly begun with him.

Q. (By Mr. MATTHEWS.) I will ask you, Mr. Clarke, whether or not you have prepared, at my request, a statement of the expenditures of the department annually, since the beginning, for land and for construction.

A. I have.

Q. And are those expenditures exhibited in the paper which you now hold in your hand?

A. They are.

Mr. MATTHEWS. — I would like to offer that, Mr. Chairman.

(For statement offered, see Exhibit 63, at end of hearing.)

Q. (By Alderman GERRY, after examination of exhibit.) That shows the total cost of the parks to be $16,000,000?

A. Well, yes — that is with sheet No. 2, which shows the expenditures for playgrounds.

Q. (By Mr. MATTHEWS.) You have put the expenditures for playgrounds in?

A. Yes, the expenditures for playgrounds have been put in, but I have them in detail on another sheet, which I understand you propose to submit.

Q. In several of the reports of the department, I notice a statement that the estimates of cost to complete the work on the parks have been reduced from those previously named?

A. They have been reduced —

Q. I will ask you to explain that, if you can?

A. In the twenty-second annual report, which you have on your table, the Commissioners submit —

Q. What year does that cover?

A. For the year ending January 31, 1897. In that report the Commissioners submit to the Mayor an estimate of the cost "of completing the park system, in accordance with the plans of the landscape architects so far as they have been developed." They say: "These estimates, omitting those for the Strandway, as originally planned, and providing only for sea walls, at K and M streets and wharf at Q street, to complete the grading of the part now under contract, are as follows:" —

Q. You need not read the items. Give the total?

A. The total is $2,280,000.

Q. Exclusive of playgrounds?

A. These estimates were exclusive of the buildings which are referred to on page 56 of the same report, and

which are estimated to cost $285,000; also of the playground estimates, on page 54, of the same report, amounting to $500,000; making a total of $3,065,000 to complete the parks and playgrounds.

Q. Now, that estimate was submitted to the City Council in February, 1898?

A. In February, 1897.

Q. February, 1897, I should have said. What change was made by the Commissioners in their estimate of the cost of completing the parks?

A. In December, 1897, a new estimate was submitted to the Mayor, which had been made after careful revision, cutting down these estimates to $1,493,000.

Q. Did that estimate of $1,493,000 include the buildings and playgrounds?

A. It included both buildings and playgrounds.

Q. That, in other words, was a reduction in the estimated cost of completing the parks of about fifty per cent.?

A. It is just fifty per cent.

Q. Now, was this estimate of $1,500,000, to use round numbers, submitted in any manner to the City Government, and, if so, how, if you remember?

A. It was submitted in a letter to the Mayor dated December 30, 1897, which shows the reduction of the estimates of the cost of completing the parks to $1,000,000, and a total reduction of $1,500,000 on both parks and playgrounds.

Q. You mean that it showed a resulting cost to complete the system of $1,500,000?

A. Yes; but the reduction on playgrounds was not so much as the reduction on parks. I wanted to show that the reduction on parks was to $1,000,000, whereas it was formerly placed at $2,280,000.

Q. Were there any details in this estimate submitted to the Mayor in that letter?

A. The estimates were in full detail.

Q. I will ask you whether you know that the letter and estimates submitted therewith ever reached the City Government in any manner, except so far as the Mayor was concerned?

A. I know it was published in the City Record, which has a circulation in City Hall. It was published in the edition of January 6, 1898.

Q. (Showing City Record to witness.) And is this the article, to which I call your attention now, beginning on page 9 of the City Record for January 6, 1898?

A. It is.

Mr. MATTHEWS.—I will offer that, Mr. Chairman.

(For letter, see Exhibit 64, at end of hearing.)

The CHAIRMAN.—Do you want that printed in the proceedings?

Mr. MATTHEWS.—Yes, sir. I would like all these matters offered by me printed. In fact, that is the object of putting them in. Our object in putting in any case at all is to have it printed in the official record itself.

Q. (By Mr. MATTHEWS.) I would like to call your attention to some of the items in this estimate printed in the City Record for January 6, 1898. I find here, under Leverett Park, an item reading "Change in walks, $2,600." Has that work been done?

A. The work has been done; yes.

Q. And does that work constitute the change in the walks which has been referred to in the evidence in this case?

A. It refers to the change in the walks.

Q. Well, does it refer to the same changes that have been mentioned by the witnesses who have previously testified?

A. Yes.

Q. I would call your attention to the next item, under Leverett Park, which is "Filling ponds, $2,700." Has that work been done?

A. It has.

Q. And does that item refer to anything that has been the subject of evidence in this case?

A. That refers to filling the ponds.

Q. It refers to filling the small fish ponds in Leverett Park, doesn't it?

A. Yes. I don't know whether it includes all of them, but it is a part of them.

Q. I will call your attention to an item under the heading of Jamaica Park, reading "Wall on Prince and Perkins streets, $11,200." Are those the walls which have been referred to in this case?

A. They are — part of them.

Q. I would call your attention to various items designated "Boundary walls" at the Arboretum, Franklin Park, and Dorchester Park. Are those the boundary walls which have since been built?

A. Those are the walls since built.

Q. I would call your attention to an item under Franklin Park entitled "Road under Forest Hills entrance, $7,500." What does that item refer to, as far as you know?

A. That refers to the finishing of the road, the place for which had been left by the construction of the bridge.

Q. And has that work since been done?

A. That work has since been done.

Q. And that work involves some of the matters which have been criticised at these hearings?

A. It does.

Q. I would call your attention to this item: "Grading, clearing and general work, including 'Greeting' and walks around Scarboro Pond, $125,000." Has that work been done?

A. It has.

Q. You don't understand that that means the construction of the "Greeting" as originally contemplated, do you?

A. I do not, it was left out.

Q. The "Greeting" was left out in this estimate — well, I will put this way: Do you find any item for the construction of the "Greeting," the same as you do find in prior estimates?

A. No. This is a general estimate for the whole park. It simply includes the "Greeting."

Q. Well, does it include the "Greeting," as originally contemplated?

A. It does not. It includes the substitution of a grass plot for the "Greeting."

Q. For the "Greeting," as originally contemplated?

A. For the original layout; yes.

Q. What was the estimate of the constructing of the "Greeting," as originally designed?

A. $200,000.

Q. I would like to call your attention to various items designated "Loam," including one at Franklin Park amounting to $150,000, one at Marine Park, amounting to $40,000, and would ask you whether or not anything has been done under those items since?

A. There has.

Q. Now, Mr. Clarke, this communication was submitted to the City Council in January, 1898. Whether or not since that time the City Council has passed appropriations for park construction?

A. I couldn't say whether the City Council had passed any appropriations. Appropriations have been granted by the Legislature, I think at the request of the City Council, and possibly the $50,000 in one case was appropriated by the City Council in advance of the action by the Legislature.

Q. Has the Legislature done anything more than to authorize the city of Boston to borrow money for the completion of the parks?

A. As I remember it, the late loans for park construction do not go before the City Council.

Q. Since when was that practice inaugurated?

A. It is a quite recent practice — within the last three or four years. (Examining report.) I find one here in the report — a statute of 1896.

Q. What chapter?

A. Chapter 453.

(Mr. Matthews examined the act referred to.)

Q. Have you a list of the acts of the Legislature?

A. I have.

Q. Have you a list of acts authorizing loans passed by the Legislature?

A. I have a list of all the acts relating to the parks.

Q. But have you a special list of those acts relating to loans?

A. I have not of the special loans. I could pick them out.

Q. Well, you can do it at your leisure, more quickly, couldn't you?

A. I could.

Q. Do you know what action the City Council of Boston has taken with reference to the continuation of park construction since the communication by the Commissioners to the City Government submitting these estimates of December, 1897, or would you have to refresh your recollection by looking at the minutes of the City Council?

A. I know that $50,000 was appropriated by the City Council in advance of a larger amount contemplated by the Legislature.

Q. And when was that done?

A. I don't remember the exact year, but it was 1897, or 1898 — one of those two years.

Q. Well, will you make a note to look that matter up, too?

A. I will.

Q. The question was asked whether you would furnish a memorandum of the cost of the boundary wall. I will ask you if you have had one prepared?

A. I have.

Q. And what is the total cost of the boundary walls?

A. The total cost is $92,265.98.

Q. That includes the boundary walls in all the parks?

A. In the Riverway, Jamaica Park, the Arborway, Arnold Arboretum, Franklin Park, Dorchester Park and Charlestown Heights.

(For statement referred to, see Exhibit 65, at end of hearing.)

Alderman GERRY. — I only claimed the cost of those to be $40,000.

Mr. MATTHEWS. — Well, I have heard it stated as $250,000. It might have been Franklin Park alone that you had in mind. I have here, Mr. Chairman, two compilations, one of them relating to labor, which I would like to put in.

Q. (By Mr. MATTHEWS.) Are these two papers which I now show you compiled from the records of the department?

A. They are.

Mr. MATTHEWS. — I do not care to read them, but would like to have them go in. One of them (see Exhibit 66 at end of hearing) shows the number of laborers employed by the department in the months of August and December for every year since 1882.

The CHAIRMAN. — Does it give the wards they live in?

Mr. MATTHEWS. — No, sir; it does not.

The CHAIRMAN. — That is what we would like.

Mr. MATTHEWS. — I have had some statistics on that point prepared, which I would like to submit to the committee, through Mr. Shea. I think it will be very interesting.

The CHAIRMAN. — I think it would.

Mr. MATTHEWS. — The other one (see Exhibit 67, at end of hearing) shows the percentage of the expenditure made for labor, materials and contracts for six selected years — for the last three years, and for the three years from 1892 to 1895.

(Alderman DAY in the Chair.)

Q. (By Mr. MATTHEWS.) Have you got the City Council minutes for 1898?

A. They are here.

Q. What is this (referring to a paper)?

A. That is the paper that was to go with those proceedings at meetings, and so forth — shows the docket. I didn't include it.

Q. That is the docket, is it?

A. Yes.

Q. You have a docket prepared each time?

A. Of everything.

Mr. MATTHEWS. — I suppose it is not necessary for me to put formally in evidence the official proceedings of the City Council. I suppose Mr. Lundy and myself can agree upon them, without their being put in evidence.

Mr. LUNDY. — Sure.

Mr. MATTHEWS. — I will simply call the attention of the committee to the fact that I shall claim the privilege of quoting from various portions of the proceedings of the Council for the years 1896, 1897, 1898 and 1899.

Q. (By Mr. MATTHEWS.) Mr. Clarke, have you prepared at my request statements or tables showing prices paid for land by the Park Commissioners during the past four years?

A. I have.

Q. And whether or not there were in the department records showing the prices paid for land by preceding Park Boards?

A. There were, since the beginning.

Q. Whether these compilations show for various periods and various boards the average excess paid over the assessed values for property taken?

A. They do.

Q. Are the papers which I now hand you (handing papers to witness) those you have just testified about?

A. (Examining papers.) They are.

A. And have you prepared a summary?

A. I have.

Q. Will you state to the committee how that summary is prepared and what it shows?

A. The summary includes the terms from 1877 to 1884 —

Q. You mean the period of time?

A. Yes, the period of time.

Q. That is the first period?

A. That is the first period, from 1877 to 1884; then from 1885 to 1889.

Q. That is the second period?

A. That is the second period. Then from 1890 to 1894; then the year 1895 alone; and then the years 1896 to 1899.

Q. Then this work of compilation has been divided into five years?

A. Five periods.

Q. Five periods, I should say, — and comprises all the real estate operations of the Boston Park Commission from their first appointment?

A. It does.

Q. To January 1, 1900?

A. To January 31, the end of the financial year.

Q. To January 31, 1900?

A. I beg your pardon — wait a moment; January 1, 1900. We stopped it there.

Q. Does it include January 1, 1900?

A. It includes the settlements on that day.

Q. Then it begins with what date?

A. It begins with December 29, 1877.

Q. 1878, isn't it?

A. Well, begins with 1877, December 29, the first purchase, on the Back Bay.

Q. And the last transactions are those completed by the Board on January 1, 1900?

A. On January 1, 1900.

Q. Now, will you read to the committee the figures, showing how much the city of Boston has paid for these park lands in excess of the Assessors' values during the five periods into which you have grouped these figures?

A. I have the excess in percentages.

Q. That is what I asked you, sir.

A. In the first period, from 1877 to 1884, the excess of damages over assessed value was 18⅔ per cent.

Q. Pardon me — when you say "damages" you mean the amount paid for the land, exclusive of interest and costs, do you not?

A. Yes, sir; exclusive of interest and costs. From 1885 to 1889 it was 66⅔ per cent.; from 1890 to 1894, 68.53 per cent.; in 1895, 80.88 per cent.; from 1896 to 1899 —

Q. To 1900, you mean, don't you?

A. To January 1, 1900, 53.84 per cent. In all these cases the last year is included. The years are inclusive, so "1896 to 1899" includes the whole year 1899, meaning from 1896 to 1899 inclusive, and including January 1, 1900, the percentage is 53.84.

Q. Then, Mr. Clarke, the excess paid over assessed values by the present Board of Park Commissioners, during the past four years, has been less than the excess paid by any of its predecessors, except during the first period?

A. It has.

Q. What do you make the entire average excess for the entire twenty-three years?

A. The average excess is 51.04 per cent.

(The document referred to, giving the excess paid for land over assessed value for the different periods referred to was introduced as "Exhibit 68," and will be found at close of day's hearing.)

Q. I understand, Mr. Clarke, that these papers you have just produced give each separate land settlement in detail?

A. Each separate land settlement in detail.

Q. On the sheets representing the transactions of the past four years I notice that you have put in pencil in the

margin certain letters, "A," "C," "L," — will you state what those represent? The letters are "A," "C," "L," and "J."

A. "A" represents hearing before an auditor.

Q. Yes. What does "C" represent?

A. Settlement by the Commissioners, by agreement with the owner.

Q. What does "L" represent?

A. "L" represents a settlement by the Law Department.

Q. I see against some of them you have both letters, "C" and "L." What does that mean?

A. In that case it was by the Commissioners and the Law Department — generally by recommendation of the Law Department, but not settled directly by the Law Department first and then submitted to the Board for approval, as the others were.

Q. What does the letter "J" represent?

A. Represents "jury trial."

Q. Then, in case of each of the settlements made for land in the last four years you have put in the margin the letter which indicates the manner in which the settlement was reached?

A. I have.

Q. Are you able to state the total number of settlements made during the last four years in each of these different methods?

A. Thirty-eight by the Commissioners, three by jury trial, one by an auditor, and twenty-eight by the Law Department.

Q. I understood you to say that this table showed that the average price paid during the last four years for park lands was 53.84 per cent. in excess of the assessed value?

A. Yes.

Q. Do you know what the average price paid by the city during these four years for park lands was in the three cases which went to a jury?

A. 252 per cent.

Q. Over the assessed value?

A. Over the assessed value.

Q. Can you state what was the excess over the assessed value paid by the city in the case that was settled before an auditor?

A. It was 1,041 per cent.

Alderman GERRY. — Ought to get another set of folks to do the business.

Mr. MATTHEWS. — That is, to try the cases?

Alderman GERRY. — Yes, to try the cases.

Mr. MATTHEWS. — I don't believe you could get anybody better than Mr. Babson. He has the reputation before the bar of being the best trial lawyer in defence of land damage cases that we ever had here.

Q. (By Mr. MATTHEWS.) Then, Mr. Clarke, to sum this matter up, the result of these tables is that the average excess above the assessed values paid for park lands during the last twenty-three years is 51.04 per cent.; the average paid for the four years covered by this investigation is 53.84 per cent. — that being less than for any other period except the first; and the result of the three jury trials held during the past four years was the payment of 252 per cent. in excess of the assessed values, while the result in one case tried before an auditor was the payment of 1,041 per cent. in excess of the assessed value?

A. That is stated correctly.

Q. And I understand, Mr. Clarke, that you have put into this memorandum every case in which money has been paid by the city of Boston on account of park lands?

A. I have.

Q. Each case being given in detail, with the assessed value of the land, the amount paid for it, and the amount paid for interest and costs, if any?

A. Yes.

Q. Together with the totals?

A. With the totals.

Q. When were the early portions of this document prepared? You said that the whole of it was not prepared for the purposes of this case?

A. Prepared some time in 1892 or 1893, I think.

Q. Well, prepared some years ago?

A. Some years ago, yes.

Q. Now, take up the playgrounds, — do the figures which you have already submitted in Exhibit 68 include the sums paid for playgrounds?

A. I don't remember what the number of the exhibit was: Let me see it.

Q. Exhibit 68 is the list of settlements?

A. Yes. It includes all the settlements, whether for playgrounds —

Q. Or for the general park system?

A. Or for the general park system.

Q. Let me ask you one question which I think perhaps I forgot. The first column gives the assessed value of the

lands. In some cases in recent years, of course, you have not yet paid for all the land you have taken. Now, does this first column include the assessed value simply of the land you have paid for?

A. Simply of the land we have paid for.

Q. That is to say, you have not included in the first column any lands that have been taken but not paid for?

A. I have not.

Q. Now, can you state briefly how many playgrounds have been taken, how many playgrounds have been acquired by the Park Commission, under the special acts of 1898 and 1899 — that is, under the act of 1898 as amended in 1899?

A. Five playgrounds.

Q. And what are their names. What are they called?

A. Columbus-avenue, Ashmont, Savin Hill, Roslindale and Forest Hills.

Q. Those five playgrounds were taken under the act of 1898 and its amendment in 1899?

A. They were.

Q. What other playgrounds have the Park Commissioners taken since January 1, 1896?

A. Neponset, Billings Field, North End, Fellows-street, Christopher Gibson, Mystic.

Q. Did the Park Department receive any request from the City Council for the taking of these playgrounds that you have last mentioned?

A. Specific appropriations were made in each case.

Q. You mean specific appropriations for the particular land which the Park Commissioners took?

A. For the particular land, and also, in some cases, a request to take the particular land.

Q. Do I understand you that in every single one of these six cases — that is, for all the playgrounds the Park Department has acquired since January 1, 1896, — there has been before the taking a specific sum of money appropriated for the purpose by the City Council?

A. There has been in each case.

Q. Will you state the facts about those appropriations, if you have them?

A. The Neponset Playground was by special order of July 9, 1895.

Q. You mean special order of the City Council?

A. Special order of the City Council, making an appropriation, as I understand it.

Q. And was there any order or appropriation relating to Billings Field and the North End Playground?

A. In the case of the Neponset Playground, as I stated before, there was a request to take that particular land, charging it to an appropriation which had been previously made.

Q. There was a special appropriation made?

A. A special appropriation was made first, and then the request to the Park Commissioners to take the land followed.

Q. The special appropriation designated this particular spot, didn't it — or did it?

A. The order to the Park Commissioners to take the land — or, I should say, the special appropriation was classed as a special appropriation for public grounds, not as a park appropriation, so the special order passed stated that it should be charged against that appropriation.

Q. Give the date?

A. July 9, 1895.

Q. And do you know what the date of the special request to take it, addressed to the Park Commissioners, was?

A. That is rubbed out there.

Q. What date do you find there?

A. 1896.

Q. What time in 1896?

A. It was passed by the Common Council on March 19, 1896, and appears in the City Council minutes of 1896, page 310.

Q. Now, how about the orders for Billings Field and North End Playground?

A. The Billings Field and North End Playground appropriations were made in a general order of October 22, 1896.

Q. Specific appropriations made for the particular lands bought?

A. For the particular lands bought. In the case of the North End Playground there was a request of the Park Commissioners to take the particular land, according to a plan.

Q. And was Billings Field specified as such in the order?

A. The appropriation order indicated Billings Field.

Q. Now, what do you say about the three other playgrounds — Fellows street, Christopher Gibson and Mystic?

A. In the general loan order of June 18, 1897, those appropriations were made.

Q. Was the land in those cases designated specifically?

A. In two of them it was. In the case of the Mystic

Playground I think that the land was designated as within certain limits, but not the specific lot.

Q. And the other two — they were designated specifically?

A. Yes — that is, Fellow street as additional land.

Q. Did the Park Commissioners take any of these six playgrounds until after the City Council had acted in the manner to which you have just testified?

A. They did not.

Q. Have you prepared a table showing the amounts paid for these playgrounds?

A. I have.

Q. By the Park Commissioners during the past four years, and indicating how much they paid for these playgrounds in the aggregate in excess of the assessed values?

A. I have.

Q. And what does that computation show?

A. It shows that the percentage over the assessed value was 28.4.

Q. 28.4 per cent?

A. Yes, over the assessed valuation, for the playgrounds taken since 1896, the last four years.

Q. I will ask you whether any of the playgrounds taken under the Act of 1898 were taken upon petition of citizens?

A. In two cases petitions were received — Columbus avenue and Ashmont.

Q. Were any of the other three taken upon the request of the City Council, so far as you know?

A. They were not.

(The table referred to was introduced as "Exhibit 69," and will be found, together with "Exhibit 69 A" and "Exhibit 69 B," being the several petitions received by the Park Commissioners in connection with the playgrounds referred to, at the close of day's hearing.)

Mr. MATTHEWS. — Mr. Chairman, I would like to offer some of the correspondence between the Law Department and the Park Commissioners in reference to some of these settlements. I don't care to read them to the committee, except as samples of the manner in which the settlements were conducted for the Park Department and the care which was exhibited by both the Commissioners and the Corporation Counsel or City Solicitor. I would like to simply offer those, unless Mr. Lundy wants them read in bulk. Mr. Lundy will want to see them, of course.

Mr. LUNDY. — I will see them later, Mr. Matthews.

(The correspondence referred to, between the Law Depart-

ment and the Park Commissioners was introduced as "Exhibit 70," and will be found at close of day's hearing.

Q. (By Mr. MATTHEWS.) Mr. Clarke, some reference has been made to the purchase of land from the West End Street Railway Company for the Columbus avenue Playground. Is there any correspondence relating to that matter in the possession of the Board?

A. The Board has a copy of a letter written to Mayor Quincy by Mr. Gaston, the President of the Railroad Company — the Boston Elevated Railroad Company — stating the price at which they would sell the land which the Commissioners desired to take for the Columbus avenue Playground. This is dated February 11, 1899.

Q. Was that the price paid ultimately?

A. That was the price paid, including interest.

Q. You mean to say that the city paid that amount including interest, or that amount besides interest?

A. That amount besides interest.

Q. Interest reckoned how?

A. Well, the interest was reckoned, by agreement, from May 10 up to January 1.

Q. Give the years, please?

A. May 10, 1899, to January 1, 1900.

Q. What was the date when the money was paid?

A. March 5, 1900.

Q. The money paid to the West End, I thought, was paid January 1st?

A. No, March 5, 1900. The interest was figured to January 1st, but time was consumed in passing the title, and so forth, which delayed matters.

Q. But interest was paid to January 1st?

A. Yes.

Q. Was that the date when the deed was passed or signed?

A. That is the date when the land was taken by the taking of the Park Commissioners.

Q. You were asked some questions about the settlement between the Commission and your father, Mr. Isaac P. Clarke — is that his name?

A. Well, the land is owned by my mother. My father made the settlement.

Q. Is the Board in possession of any correspondence on that matter?

A. I have letters from my father to Mr. Babson, from Mr. Babson to the Park Commissioners, and also from my father to the Park Commissioners in reference to the settlement.

Q. How did the price paid by the city compare with the price requested by the owners of the land?

A. It was about $2,000 less than the owners thought they ought to be paid, and without including the retaining wall, which the owners thought the city ought to build.

Q. That is, your father got $2,000 less than he asked, and did not get the retaining wall?

A. They did not build the retaining wall in this case. I might say that the damage in this case included other things besides the bare value of the land. A number of trees were cut down, and other damages were caused to the estate, as stated in those letters.

(The correspondence referred to, marked "Exhibit 72," will be found at close of day's hearing.)

Q. Do you know whether any suit has been brought against the city of Boston with reference to any playgrounds taken recently by the Commission?

A. Suit has been brought in the case of the Forest Hills Playground in behalf of the president and fellows of Harvard College.

Q. Do you know what the nature of that suit is, what it is called?

A. It is a petition for certiorari.

Mr. MATTHEWS. — Mr. Lundy, I would like to offer a copy of the petition of the president and fellows of Harvard College and the answer of the city of Boston. I would like the privilege of putting on the dates afterwards.

Mr. LUNDY. — Yes.

(The petition referred to was introduced as "Exhibit 73," and the answer as "Exhibit 74", and both will be found at close of day's hearing.)

Q. (By Mr. MATTHEWS.) Have you prepared, at my request, some statistics showing the various duties of the Park Commissioners and the manner in which they have attended to them?

A. I have.

Q. Can you state the number of meetings held by the Board during the past four years?

A. The number of meetings in the past four years has been 269.

Q. You mean formal meetings of the Board?

A. Formal meetings of the Board.

Q. Do you know how many hearings have been given to various parties, citizens or others, during the same period of four years?

A. 271.

Q. 271, you mean, have been at hearings?

A. No, those are hearings given to individuals or a number of persons who have business before the Board, who desire to come before the Board or who do come before the Board.

Q. Can you state the number of subjects which have come before the Board for its consideration at these 269 meetings?

A. 3,200.

Q. Have you the list of those three matters in detail for each year?

A. I have not, no.

Q. Perhaps you misunderstand me. Have you the number of meetings, hearings and subjects, for each of the four years named?

A. Yes, I have the detailed list (handing paper to counsel).

Q. Is this the paper you have been using?

A. Yes.

(The paper referred to, giving the number of hearings, meetings and subjects, for the years 1896 to 1899 inclusive, was submitted as "Exhibit 75," and will be found at close of day's hearing.)

Q. Does the Board keep a record of its proceedings?

A. It does.

Q. Have you those records here?

A. I have them here.

Mr. MATTHEWS. — I would like to offer them. I don't suppose it is necessary to have them marked, but I would like to offer the records of the Board for the past four years. If anybody desires to have them marked as exhibits they can be so marked.

The CHAIRMAN. — You don't intend to put them in the records?

Mr. MATTHEWS. — No; I don't intend to do that — simply to offer them. I simply desire to have put in the record the summaries, which are short. I would like to have inserted in the record, as samples merely, copies of the official records of the first meeting of the Board held during this period of four years, and of the last meeting — the first meeting being held on January 6, 1896, and the last one on December 26, 1899. Those, being the first and last meetings, have been simply selected as samples.

(The copies referred to were marked "Exhibit 76" and "Exhibit 77" and will be found at close of day's hearing.)

Q. (By Mr. MATTHEWS.) What are your duties at these meetings, Mr. Clarke — at the meetings of the Board to which you have testified?

A. I prepare a docket of the meeting beforehand and of the papers and matters which are to come before the Board, and present them to the Board, and take minutes of the action upon each subject.

Q. And you afterwards write them up in the record book?

A. Then I write up the minutes and enter them in the record book.

Q. Have you a sample docket?

A. I have here a sample docket. This is in the year 1900. It indicates merely the method of preparing the docket for the meetings.

Mr. MATTHEWS. — This is headed "Park Department, Order of Business, March 5, 1900." I offer it merely as a sample.

(The copy referred to was introduced as "Exhibit 78," and will be found at close of day's hearing.)

The CHAIRMAN. — You want this in the records?

Mr. MATTHEWS. — As a sample.

The CHAIRMAN. — Of what value is this? Why is it necessary to crowd the records in this way?

Mr. MATTHEWS. — This is merely because of the charge that the Park Commissioners do not spend as much time about the business of the office as they should. I merely want to show that they spend what a good many persons would consider almost an abnormal amount of time in duties connected with the department. I might go into detail and cumber the records with volume after volume of printed matter, but I have merely asked permission to put in a sample of each class of work.

Q. (By Mr. MATTHEWS.) Can you state the number of letters written and received by the Commission during the past four years?

A. The letters received, according to the indexes, are an average of 500, perhaps, for each year since 1896.

Q. Five hundred a year, you mean?

A. Five hundred each year. That would be 2,000 for the four years — that is, from different parties. There may be more than one from some of the parties, but the indexes indicate the parties' names, and so we took it in that way.

Q. Then you don't mean that the department receives 500 letters a year in the aggregate?

A. Oh, no.

Q. But it receives one or more letters each year from 500 different persons?

A. From 500 different persons, yes.

Q. Now, can you state how many letters the department sends out during the course of the year?

A. Those in their letter book, important letters, are 2,650 for the four years. The department has other letters than these, some of the correspondence being in the hands of the superintendent and going into his books, and there being also letters of the purchasing agent which are not included in this. But these are letters which the Commissioners send — not the letters which the superintendent sends or the letters which the purchasing agent sends. They are the Commissioners' correspondence, official correspondence.

Q. Then, this list of letters you have just testified to does not include letters written by Mr. Stratton or the other Commissioners at their private offices?

A. Includes those written by Mr. Stratton as Chairman of the Board, yes, but not as an individual.

Q. It does not include the letters written by the superintendent or the purchasing agent?

A. No, sir, nor minor letters, which do not go on the files — requests for golf permits and for reports and similar matters.

Q. What does Mr. Pettigrew, the superintendent, do at the meetings of the Board, if anything?

A. He submits a report of the progress of the work weekly.

Q. Have you a sample?

A. I have.

Mr. MATTHEWS. — I offer this, entitled "Superintendent's report of operations, week ending April 1, 1899," as a sample.

(The copy referred to was marked "Exhibit 79," and will be found at close of day's hearing.)

Q. (By Mr. MATTHEWS.) Do you say that reports of that character are submitted by the superintendent weekly?

A. Weekly — also a weekly statement of the distribution of the men and of the amounts chargeable to the different parks on account of labor.

Q. When you say "the distribution of men," you mean the places they come from or the places where they are working?

A. The places where they work during the week and the amount of expense chargeable to the different parks.

Mr. MATTHEWS. — I submit, as a sample, a copy of a paper entitled "Park Department, Amount of pay rolls and number of employees, week ending September 7, 1899."

(The paper referred to was marked "Exhibit 80," and will be found at end of day's hearing.)

Q. (By the CHAIRMAN.) Mr. Clarke, what is the meaning of this word "specials" here? (Referring to one of the headings in Exhibit 80.) It says here, for instance, in connection with Jamaica Park, 58 laborers and 29 specials?

A. That means the foremen and other men that are doing special work — not laboring work.

Q. You mean, then, that these are special men, such as foremen and sub-foremen?

A. Foremen, sub-foremen, janitors, watchmen, men like that.

Q. (By Mr. MATTHEWS.) Would that include teamsters, carpenters, and so forth?

A. It would include all those men.

Q. Would it include those two I have mentioned — teamsters and carpenters — employed directly by the city?

A. It would; yes.

Q. (By the CHAIRMAN.) You include the superintendent here and the general foreman?

A. I don't think the superintendent would be on that list, not being on weekly payroll. The general foreman would.

Q. The general foreman is here, is he?

A. Yes.

Q. (By Mr. MATTHEWS.) Those weekly payrolls include everybody?

A. Everybody on the weekly payroll.

Q. That is, everybody in the employ of the Park Department who is paid weekly?

A. Yes.

Q. (By the CHAIRMAN.) This is the weekly payroll, is it?

A. This is the weekly payroll, distributed among the different parks.

Q. (By Mr. MATTHEWS.) Now, Mr. Clarke, does the superintendent make reports other than the weekly reports which you have just put in?

A. He makes special reports, generally one or more at each meeting.

Q. Does he receive any requests from the Commissioners to make reports?

A. Various matters are referred to him at the meetings, upon which he returns a report at a subsequent meeting.

Q. What is the course of business after the Commission has voted to refer some one or more matters to the superintendent for his advice?

A. They await his report on the matter at a subsequent meeting.

Q. Do you do anything in the meantime?

A. I submit to him after the meeting a statement of matters referred to him.

Q. State that over again?

A. I submit to the superintendent after the meeting a statement of all matters which have been referred to him at the meeting.

Q. You mean to say that, after every meeting of the Board you send to the superintendent a written memorandum of the matters that have been referred at that meeting to him?

A. I do, with the papers that relate to them.

Q. Have you prepared a list of the matters which have thus been referred by the Commissioners to the superintendent during the past three years, since his appointment in January, 1897?

A. I have (handing paper to counsel).

Q. What is the total number?

A. 320.

Q. 320 special matters referred by the Commissioners to the superintendent from January 19, 1897, to December 26, 1899.

A. Yes, sir.

(The paper referred to was marked "Exhibit 81" and will be found at end of day's hearing.)

Q. Have you a list of the special reports sent by the superintendent to the Commission in response to these requests or otherwise?

A. I have.

Q. And how many do they aggregate between January 2, 1897, and January 1, 1900?

A. 245.

(The list referred to was marked "Exhibit 82" and will be found at end of day's hearing.)

Q. Have you got anything else here?

A. Yes, there are two sample copies (handing papers to counsel).

Q. Have you a few sample reports by the superintendent with you?

A. I have (handing papers to counsel).

(Mr. Matthews offered at this point copies of reports, as samples, which will be found at end of day's hearing, as "Exhibit 83.")

Q. Some question has been made, Mr. Clarke, concerning the apportionment of the general salaries of the main office, including the superintendent's. Can you explain a little more in detail how that matter is adjusted?

A. I have drawn off a statement of the distribution of the superintendent's salary in 1897, 1898 and 1899.

Q. Let me ask you whether the superintendent's salary is the only one which is apportioned thus?

A. No, the clerks' are apportioned.

Q. And the secretary's salary?

A. The secretary's salary is charged always to maintenance, and two clerks' salaries, $3,450, which before 1898 were charged to construction, have since been charged to maintenance, to offset the superintendent's salary, which is charged to construction. In 1897, of the superintendent's salary, $2,400 was charged to construction, and $1,020 to maintenance, making $3,420.

Q. I understand that a certain part of the general office expenses for superintendence and clerks is charged to construction and apportioned between the different parks?

A. It is.

Q. When and by whom is that done, and how often?

A. It is done by the book-keeper each month, as the bill is charged off.

Q. Who is the book-keeper?

A. Mr. Lawrence.

Q. Is any attempt made to apportion the salary of each particular clerk among the different parks, or is the effort simply to apportion the aggregate salaries paid the clerks and superintendent among the different parks?

A. Just to apportion the aggregate. I might say that each salary is apportioned among the different parks, but that certain salaries, office and other salaries would offset each other; the salaries of two clerks, for instance would come to about the same as the superintendent's salary.

Q. I understand you correctly, then, in stating that the apportionment of any given person's salary, whether superintendent or clerk, would be arbitrary, while the general apportionment of the aggregate salaries paid to superintendent and clerks would be according as the book-keeper thought was proper to charge the different parks. Is that right?

A. Yes, that is right. I might read this, to show how the superintenden't salary is divided (referring to paper).

Q. I don't care about that. Mr. Lundy may want it.

A. You see quite a lot is charged to Franklin Park.

Q. Well, you have here a list showing the manner in which the superintendent's salary has been apportioned. You haven't any memorandum showing the manner in which the salaries of the clerks have been apportioned?

A. No, I didn't bring that. The question has been raised about the superintendent's salary and how it was apportioned.

Q. Well, I don't see how that would be of any use. Leave it for Mr. Lundy. Can you state what the purchases made by the purchasing agent of the Park Commission amount to on an average, annually?

A. I had a memorandum of that. I don't know that I have it here now.

Q. I fancy I have it (handing paper to witness).

A. From $35,000 to $40,000 a year for the past three years.

Q. Would that include loam, gravel and materials of that sort?

A. It does not include loam, gravel or materials purchased by the superintendent.

Q. Can you state in detail the general system under which the purchasing agent operates?

A. The requisitions are sent to the department by foremen and are submitted to the superintendent for his approval before the purchasing agent orders the goods. The orders for the goods are drawn in duplicate and sent to the dealer, one copy sent to the dealer and one copy kept in the office. Duplicate invoices are sent by the dealer, one copy with the goods and one copy to the office. These duplicate invoices are compared with the duplicate orders which are in the office to see that the requisition has been properly filled. The copy of the invoice which goes with the goods is compared with the goods by the foreman on the work, and the foreman approves the invoice as to quantity and quality. He returns this duplicate invoice to the department. Monthly bills are sent in by the dealer or merchant, and are checked up by these foremen's receipts. The monthly bills are signed by the purchasing clerk, if he is satisfied that the price is in accordance with the agreement or understanding that he has with the dealers, and they are submitted to the superintendent together with the foremen's receipts. The superintendent then approves the bills, when they are submitted to the Chairman for his signature. The pay-roll clerk makes out the pay-rolls, and those are approved by the superintendent. The amount of the pay-roll is distributed among the different parks, in accordance with the returns from the foremen on recapitulation sheets. These monthly bills and the recapitulation of the pay-rolls are charged or entered on memorandum sheets by one of the junior clerks and are checked by the head book-keeper before being entered on the

abstract book. The work of entering on the abstract book the division of the work in the office falls to the purchasing clerk, but it is from the sheets which have been previously prepared and checked by the book-keeper. As far as book-keeping goes, I might say that our books have to agree with the auditor's, and the only way that money can be drawn from the city is on original bills that are sent to the auditor.

Q. I think I asked you at one of the prior hearings if you would ascertain the amount that the city paid for loam prior to the purchases which have been shown in the evidence in this case — that is, prior to 1897?

A. I have examined the books and find the following —

Q. I wish you would read that, read that memorandum or use it to refresh your memory. Give the committee each instance in which the city bought loam, the amount bought and the price paid, prior to 1897?

A. A large amount of loam, amounting to 89,753 cubic yards, was delivered at the Back Bay under a contract with the Boston & Albany Railroad, between the years 1882 and 1885.

Q. What was the price?

A. Total amount paid, $109,573.77.

Q. (By the CHAIRMAN.) What year was that?

A. Between the years 1882 and 1885. This is loam transported from the basins of the Water Board at Ashland or Framingham.

Q. (By Mr. MATTHEWS.) And what was the price paid, or what did that price average per yard?

A. The amount paid, divided by the cubic yards, makes a price of $1.22 per cubic yard.

Q. You understand that this loam came from the city itself — that is, from the Water Board?

A. Came from the City Water Board.

Q. Did the Park Department pay anything to the Water Board for the material itself?

A. No. The Park Department divided the expense of putting the loam on the cars with the Water Board.

Q. Did the Park Department pay anything for the loam as such?

A. The Park Department paid nothing for the loam as such.

Q. Then this amount — what is it, $109,573.77? — represents carting simply or transportation simply?

A. Simply transportation.

Q. And that was how much a yard?

A. That was $1.22 a yard.

Q. That is the first purchase of loam that you find on the books of the department, is it?

A. It is.

Q. Now, what is the next one?

A. There was a small amount, 1,268 yards, purchased in 1885 from the Boston & Maine Railroad for Neptune road, East Boston. This was at $1 per yard.

Q. Next.

A. At Marine Park a contract was made with Perkins and White for 9,503 cubic yards, at $1.39 per cubic yard.

Q. When?

A. That was in the same year.

Q. What year?

A. Oh, I beg pardon — my paper doesn't give the date. It is the 18th report, page 57.

The CHAIRMAN. — A little later.

Mr. MATTHEWS. — Yes, a little later.

The WITNESS. — I want to refer to a report. (Examining report.) The contract was dated September 10, 1890, — no, one moment; October 12, I should say, 1891.

Q. (By Mr. MATTHEWS.) Then that purchase was made in 1891, was it?

A. 1891, yes.

Q. And the price was $1?

A. The price was $1.39.

Q. Now, give us the next purchase?

A. The next purchase was in 1892 for the Riverway.

Q. (By the CHAIRMAN.) What year was that that you paid $1.39 per cubic yard?

A. That was in 1891, Mr. Chairman.

Q. What year was it that you paid $1.22 for transportation?

A. That was between 1882 and 1885. In 1892, 24,945 cubic yards were delivered on the Riverway, at a cost of $23,963.94, which is very nearly $1 a yard for transportation. This loam was afterwards distributed at a cost of 25 cents per cubic yard.

Q. Where was the transportation from?

A. That was from Ashland, the water basins at Ashland.

Q. (By Mr. MATTHEWS.) The city furnished the loam itself?

A. In that case. That was similar to the Back Bay, in 1895.

Q. What the city paid for was transportation?

A. Transportation, — cost about $1 a yard, and the distribution, under a contract with Moulton & O'Mahoney, was at a price of 25 cents a yard.

Q. Any other purchases beside those?

A. Those were the only large ones. The only others were small, minor ones.

Q. What is the price paid for loam within the last few years?

A. The price at Marine Park was $1 a yard, and for the rest of the city pretty nearly all the loam was delivered at 66⅔ cents.

Q. Did the Park Department, prior to 1897, procure from any source, for spreading upon the plantations, loam which was not purchased from anybody?

A. A great deal of loam was obtained by stripping the sites of roads and walks and other constructions on parks.

Q. Do you know how much?

A. I haven't got a memorandum of the quantity.

Q. Mr. Clarke, when was the system of selecting teams by lottery introduced?

A. In 1890 or 1891.

Q. What had been the system prior to that time?

A. The teams were hired by the engineer in charge, as is usually done in city work.

Q. What year do you say that this lottery system was introduced?

A. It was either 1890 or 1891.

Q. Cannot you specify which year?

A. I had a memorandum.

Q. I have your memorandum here. (Handing paper to witness.)

A. (Examining paper.) The first notice issued was March 10, 1890.

Q. Notice of what?

A. Notice issued in the newspapers, advertised — notice to owners of teams that the teams would be drawn by lot.

Q. An advertisement to that effect was published, you say, in the press?

A. It was.

Q. Is this a copy of it? (Handing paper to witness.)

A. (Examining paper.) This is a copy of it. This is the last one.

Q. Can you state what led to the adoption of this system in 1890?

A. There had been complaint that the work was not evenly distributed, that certain large contractors got an undue share of the teaming work of the city, and previous to the action of the Board a petition had been sent to the City Council which had been referred to the Park Commissioners.

Q. Can you state the date of the reference of that petition?

A. The petition was referred to the Park Commissioners on the 22d of March, 1888.

Q. (Handing paper to witness.) Is this a copy of the record on that matter?

A. (Examining paper.) It is.

(The paper referred to, being a copy of the records of April 13, 1888, was marked "Exhibit 84," and will be found at end of day's hearing.)

Q. Have you a copy of the advertisement?

A. I have.

Q. Issued in 1890?

A. I have.

Q. Is this it? (Handing paper to witness.)

A. (Examining paper.) It is.

(The paper referred to, a copy of the records of March 10, 1890, was marked "Exhibit 85," and will be found at end of day's hearing.)

The CHAIRMAN. — What do propose to show by this? It is admitted that the lottery system was adopted.

Mr. MATTHEWS. — I want to show the date on which it was established. These papers are very short. I will put in very little oral testimony in the matter.

The CHAIRMAN. — They will have to get out a special edition for all this stuff.

Mr. MATTHEWS. — Well, we shall not have as much as the other side had, Mr. Chairman.

Q. (By Mr. MATTHEWS.) Do you know whether this subject of hiring teams by lot has been the subject of reconsideration by the Park Commissioners at any time since 1890?

A. In answering your question, I will say that in 1891 an order was passed by the City Council requesting a report as to the number of teams selected to work in the Park Department that year, and also as to the advisability of abolishing the system of hiring teams by lot.

Q. What was the result of that?

A. A reply to that was made May 22, 1891.

Q. No action was taken by the Board, was it — or was any action taken?

A. No action was taken by the Board.

Q. Now, was there any other reconsideration subsequent to that?

A. Other than to make this reply?

Q. Yes — was there any other reconsideration?

A. None that I remember.

Q. Have there been any complaints recently, within the past few years, that have been brought to your attention, respecting this system of allotting teams by lottery?

A. Not in recent years; no.

Q. What does an applicant for teams do in order to secure the right to participate in the annual lottery?

A. He has to make a series of statements on a written application form which we have, and to show a tax bill that he is taxed for personal property.

Q. Have you a sample application form?

A. I have. (Handing paper to counsel.)

(The sample application for team work was marked "Exhibit 86" and will be found at end of day's hearing.)

Mr. MATTHEWS. — Mr. Lundy, is there any question about the fairness of the allotment of the contract for supplying uniforms?

Mr. LUNDY. — As I remember it, there is.

Q. (By Mr. MATTHEWS.) Mr. Clarke, will you state how the contract for furnishing park uniforms was allotted?

A. The purchasing agent addressed a circular letter to several dealers in this class of clothing, and obtained bids or proposals.

Q. Have you a copy of that letter?

A. I have, and also the names of the different parties to whom the letter was sent.

(The letter referred to, inviting proposals for summer uniforms, was marked "Exhibit 87," and will be found at end of day's hearing.)

Q. Did the department receive replies to that circular request?

A. They received proposals for furnishing clothing in accordance with that request.

Q. Have you the proposals and a record of the action of the Board upon them?

A. (Examining records.) The bids for uniforms were received May 1, 1899, from Leopold Morse, Oak Hall, Shuman & Co., and Spitz Bros. & Mork. They are given in detail, the price of the suit — price of the blouse, and price of the cap.

Q. And they are found on page 37, of volume 11, of your records?

A. Yes. The award was made later to the lowest bidder.

Q. Who was the lowest bidder?

A. Leopold Morse.

Q. To whom was the award given?

A. To Leopold Morse.

The CHAIRMAN. — What was the bid, Mr. Clarke?

Mr. LUNDY. — Here you are, Mr. Chairman (handing record to the Chairman).

Q. (By Mr. MATTHEWS.) Something was said, Mr. Clarke, about Mr. Shuman's having the contract?

A. Mr. Shuman's proposal was for the year before that, July 11, 1898.

Q. Well, then what have you been telling us about is not the first set of uniforms?

A. Not the first set, no.

Q. The Chairman asks what the cost of the suit in full would be according to the bid accepted in May, 1899.

A. It was somewhere in the neighborhood of $3.30. I don't remember the exact amount.

Q. Come round here and look at the records.

A. (Examining records.) Suit, $1.45, the two blouses, 70 cents — that would be 35 cents for one, but if you had two, of course, it would be 70 cents.

Q. And caps?

A. The cap was 42 cents.

Q. Oak Hall bids $1.90 for a suit, two blouses, 87 cents, cap, 30 cents; Shuman & Co., suit, $2.25, blouse, 95 cents; cap wasn't given in this at all. Spitz Bros. & Mork, eight-ounce duck, $2.96 per suit — that is the whole outfit?

A. No; there was a blouse there, you see, 62 cents in addition — 41 cents without buttons, and with park buttons, 62 cents.

Q. The lowest bidder for a complete outfit in theway of a suit was whom?

A. Leopold Morse, $1.45, and 70 cents each for two blouses, or 60 cents each for three — which would come to about $3.27 with the two blouses.

Q. And what was charged to the men for them?

A. I think Mr. Matthews has something in reference to that.

Q. What did you charge the men for them?

A. They were charged half price.

Q. Half price?

A. For the first suits, yes.

Q. And the department stood the other half?

A. Yes. The men were on half time, and a report was made to that effect to the City Council.

Q. (By Mr. MATTHEWS.) Now, Mr. Clarke, state, so that we can get it into the records, in regard to the first purchase of uniforms, from A. Shuman & Co.?

A. The first was July 11, 1898, bids being received from

A. Shuman & Co. and Spitz Bros. & Mork. A. Shuman & Co. was the lowest, and the superintendent was authorized to procure the suits from him — from that firm, I should say.

Q. (By the CHAIRMAN.) Is it because the men were on half time that they were asked to pay only half price for the suits?

A. Well, that was the report, as I remember it. A report was made to that effect by the Commissioners, in answer to some inquiry by the City Council, I believe.

The CHAIRMAN. Very generous.

Q. (By Mr. MATTHEWS.) What did the men pay — half price or full price?

A. Half price for the first suits. I think for the second suits they were expected to pay full price.

Q. Some question has been made, Mr. Clarke, concerning the order of the Park Commission regarding the use of lanterns or lamps upon bicycles ridden in the parks. Can you state how that order came to be passed?

A. It was passed upon petition and after a hearing.

Q. Have you the petitions?

A. I have.

Q. Was a hearing given upon the matter?

A. It was.

Q. Can you state who represented the petitioners in favor of the passage of such an ordinance?

A. Josiah Dean.

Q. Were both sides represented at that hearing?

A. Yes, sir.

Q. Parties remonstrating, as well as parties in favor?

The CHAIRMAN. — What hearing is that?

Mr. MATTHEWS. — This is the hearing on petition of many persons for the passage of an ordinance requiring the use of lanterns upon bicycles in the parks. I will read the petition:

"We, the undersigned, residing or engaged in business in the city of Boston, hereby respectfully petition the Board of Park Commissioners of said city for the adoption of an ordinance or regulation requiring the use of lamps upon all bicycles and tricycles ridden in the parks of said city after dark, believing such a regulation to be for the safety and convenience of all who use said parks."

That is headed by the Bicycling World, and signed by many others.

Q. (By Mr. MATTHEWS.) Was there a signed remonstrance, Mr. Clarke?

A. I don't remember.

Q. (By ALDERMAN CODMAN.) Wasn't there a paper came in remonstrating?

A. I believe there was one came in afterwards. There were many remonstrances in writing, and I think a petition from many bicyclists.

Q. (By Mr. MATTHEWS.) A circular remonstrance, as well as many individual remonstrances?

A. Yes.

Q. Have you a copy of them here?

A. I have not. I have all the papers together, so that if they are wanted I can produce them.

Q. Do you know whether or not at that hearing a list of towns was given where a similar ordinance was in force?

A. I do. I have a copy of it here. (Producing paper.)

Q. Do you know how many towns are in that list?

A. No.

(The list referred to was marked "Exhibit 88," and will be found at end of day's hearing.)

Mr. MATTHEWS. — I think that is all, Mr. Lundy. I may possibly have forgotten something, but I think that is all.

Cross-Examination.

Q. (By Mr. LUNDY.) Now, Mr. Clarke, did you prepare this comparative table of reductions in expenses (referring to Exhibit 62)?

A. Yes. That was prepared in the office, under my direction.

Q. Under your personal direction?

A. Yes.

Q. Now, you have stated that the office expenses for 1896, were $10,530?

A. Yes.

Q. And that they have been reduced to $7,638 for 1900?

A. Yes.

Q. How is that accounted for?

A. There has been a reduction.

Q. Well, in 1896 the Secretary received $3,000, and he receives the same now?

A. Yes.

Q. And the Accountant received $2,250 and he receives the same at the present time. That is so, isn't it?

A. Yes, sir; that is so.

Q. The purchasing agent received $1,800 in 1896 and his salary has been reduced to $1,200 in 1900?

A. Yes.

Q. Who was purchasing agent when the salary was $1,800?

A. Mr. Shaw — Oliver H. Shaw.

Q. Was the salary of the purchasing agent reduced at any time during the period of Mr. Shaw's service there?

A. No.

Q. Then the salary was readjusted, or, rather, reduced, at the time when the new appointment was made? Is that so?

A. That indicates the salary now paid to the one doing the purchasing. His salary is lower than that of Mr. Shaw. He is a clerk in the office.

Q. And at the present time that clerk fulfils the duties of two offices, does he not?

A. Fulfils the duties of the office of purchasing agent, and also does a certain amount of clerical work in the office.

Q. Makes certain entries in the books?

A. Copies entries in the books from the entries I make on sheets.

Q. That is, he makes certain original entries on account of his purchases?

A. No, copies from memoranda made concerning his purchases — including his and others.

Q. Now, you have here for salary of clerk in 1896 $1,800, and at the present time $468.

A. Yes.

Q. That is explained by the questions I have already asked you?

A. Yes.

Q. One man doing the work of two positions?

A. Practically, yes.

Q. Then at that time, in 1896, the salary of one of these men was superfluous?

A. I wouldn't say that. The fact is that we are doing without that clerk, but in some ways we had more work.

Q. Well, you are doing just as well now as you were then, when you had two men at a good salary? You are doing just as well now on a poor salary for one man, who does the work of two positions?

A. I wouldn't say that, no. I would say that at that time we had perhaps more work. We had no stenographer then and typewriting hadn't come in, and there is a good deal of work being done now by a typewriter that had to be done then in longhand, by a clerk. We save time by having a typewriter, and that saves the expense of an extra clerk.

Q. The fact is, is it not, that in 1896 two men were receiving $3,600 for work that is now being done, principally by one man, for $1,668? Is that so?

A. Practically, if you include the stenographer, the typewriter.

Q. I mean now, the two positions that you have marked here as "purchasing agent" and "clerk"?

A. I should say that was practically so.

Q. The stenographer now receives $720 a year?

A. Yes.

Q. And in 1896 there was a clerk who received $780 a year?

A. Yes.

Q. Who is your stenographer at the present time?

A. Miss Bumstead.

Q. At that time you paid a messenger $200 a year?

A. If it is so stated, we did.

Q. And a stenographer $700 a year?

A. Yes.

Q. Well, now, what do you mean when you say that at that time you didn't have the stenographer?

A. Well, we were doing a lot of work in making up indexes for the previous years which had never been indexed by card indexes. We had the stenographer doing that special work. Afterwards she undertook the work of copying the records, and doing many other things that, up to that time, had been written in longhand, in typewriting.

Q. As a matter of fact, the only reduction made has been in combining the office of clerk and purchasing agent. Isn't that so?

A. A good deal of the clerical work is being done by the typewriter which was formerly done in longhand.

Q. I understand, but in the estimates given for 1900 the stenographer receives $720, or only $20 more than the stenographer received in 1896?

A. Well, as I stated, she was busy the first period in making up indexes, and in the latter period, after having finished that work she undertook this other work, which has helped us out in the office.

Q. But you figure that the main reduction is in the combination of those two offices.

A. Yes.

Q. And that office is now filled by whom? Mr. Ogden?

A. Mr. Ogden, yes. The stenographer has helped us out in the office, you see.

Q. Mr. Shaw was more or less ornamental. Now, this table of estimates you give us here on engineering, design, superintendence, all this economy has been secured by a reduction of wages. Isn't that so?

A. No; not a reduction of wages — reduction in number of employees.

Q. You are doing as much work on your park system now as in 1896, are you not?

A. No; I won't say that. I should hardly trust my memory to state that.

Q. Well, do you know anything about that point, Mr. Clarke? Do you know whether you are doing as much work day by day at the present time as you did in 1896?

A. I have no doubt more work was being done by contract in 1896, which required more engineering, than since.

Q. Who was your superintendent in 1896?

A. We had none.

Q. Who filled the position?

A. Mr. Putnam, I think for a short time in 1896.

Q. Well, before he did that?

A. The work was in charge of Assistant Engineer Howe, of the City Engineer's office, City Hall.

Q. Did Mr. Howe have the appointment of these workmen?

A. Engineers?

Q. Yes.

A. They were appointed by the Commissioners.

Q. Well, on his recommendation, were they not?

A. On his recommendation, yes.

Q. And worked under him?

A. The City Engineer was the head of Mr. Howe.

Q. Have you the slightest idea of what your figures would be for 1899?

A. Very similar to 1900.

Q. Well, how much of the year does this estimate for 1900 cover?

A. How much of the year?

Q. Yes.

A. Why, it covers 1899, the whole of it.

Q. Up to January 31, 1900?

A. Yes.

Q. Then, for the year 1898 the figures would be about the same, wouldn't they?

A. Quite so, very similar.

Q. And for the year before that about the same?

A. The year before that would bring you to 1896.

Q. I think not — 1897; 1897, 1898, 1899. For those three years, you would say that the figures would be about the same as for 1900?

A. There was a large reduction made there — I can't say whether it was made in 1897 or 1898.

Q. Do you remember whether any material reduction was made in the figures until Mr. Pettigrew became superintendent?

A. It was at that time principally, yes.

Q. Now, you have here an item of office rent paid by Department of Public Buildings of $2,000. At that time where were your quarters?

A. At State street, Exchange building.

Q. How did you come to move to Pine Bank?

A. In order to open the office, the office which was formerly carried on, near where the work was being done. We had two offices formerly, when Mr. Howe was there — had an office at Franklin Park, had the administration building at the Riverway, and an office in town, at 53 State street. Those three offices were combined in one, which, of course, tended to permit of a reduction in the force.

Q. What you mean to say in this statement now is that the Park Department is occupying for its headquarters property owned by the city of Boston?

A. Precisely.

Q. And does not pay any rent for it?

A. That is right.

Q. And this item of $2,000 a year is to be credited to the general administration and not to the Park Department. Isn't that so?

A. Public Buildings Department.

Q. You figure, according to your statement here, a general reduction or saving of 38 per cent.?

A. 33 per cent.

Q. Pardon me; 33 per cent.

A. Yes.

Q. Now, do you remember what you said about the cost of filling the fish ponds?

A. I said that the estimate which was given in the table which was submitted to-day represented the cost of filling a part of the ponds, as I remember it.

Q. Now, you filled some fish ponds. Have you any idea what the estimate was?

A. The work is classed as "grading," I think, and not particularly as "filling fish ponds." We have no charge under that head, I think — simply "grading."

Q. When you testify here now as to certain reductions in certain percentages, you simply identified certain estimates and certain calculations that have been made up in your office — that is all?

A. Yes.

Q. You haven't of your own personal knowledge any idea of these reductions, have you?

A. They appear on these records. The copy was made under my direction at the office.

Q. That is, you told certain men to go to the records and do this work?

A. Well, I did considerable on it myself. I saw that all of it was done and checked it off.

Q. Now, you have presented certain tables of figures with reference to the purchase of ground for playgrounds?

A. Yes.

Q. Giving the excess over the assessed valuation?

A. Yes.

Q. You said, in answer to Mr. Matthews' question, that some of those periods had been completed before this investigation?

A. The percentages with reference to public parks, not playgrounds.

Q. Well, public parks. That is, from 1877 to 1884, and from 1885 to 1889, were complete before this investigation, were they not?

A. Yes.

Q. And under whose direction?

A. Under whose direction were they made?

Q. Yes.

A. Under the Commissioners at that time.

Q. Now, you know who had the tables made, don't you, beyond the Commissioners?

A. If I remember, I think Mayor Matthews at the time requested a statement to be prepared.

Q. And the work to this time is simply completing a work that was started by Mr. Matthews when he was Mayor?

A. He asked for it, if I remember right, yes.

Q. And who has figured these percentages now, you or Mr. Matthews?

A. I might say that our books and our papers in the office contain all these facts. We got them from the office files at his request.

Q. Certainly they contain all the figures, but who worked out the averages for you?

A. The averages?

Mr. MATTHEWS. — The percentages.

Q. (By Mr. LUNDY.) The percentages, I should say?

A. I worked them out myself.

Q. Do you recall what particular case went before an auditor?

A. Yes, sir.

Q. Where 1,041 per cent. over the assessed amount was granted?

A. I think it was in the name of Thomas N. Hart and others, Trustees of the Brookline Land Company.

Q. Do you remember any of the circumstances connected with that case?

A. I remember that there was a hearing in Judge Bennett's office.

Q. Judge Bennett was the auditor?

A. Yes.

Q. Now, what was that land? What particular strip or piece of land was that?

A. It was quite a large piece of land — about two acres of high meadow land, near Ward's Pond.

Q. And was that land offered to the city, or was it petitioned for by any people?

A. Why, it was a part of the original taking for Leverett Park. It was included with the Jamaica Pond Aqueduct Corporation's property, which joined it, in Leverett Park.

Q. Can you tell the committee how much the Commission offered for that land, how much a foot?

A. They made no offer for it, as I remember it. The parties went to law.

Q. I know, but before they went to law, Mr. Clarke, there was a certain discussion of the matter, wasn't there?

A. No discussion of the Brookline Land Company.

Q. None at all?

A. Not that I remember.

Q. As you remember, the Brookline Land Company preferred to go into litigation rather than adjust the matter?

A. I don't remember any time when they appeared in reference to it, after the taking.

Q. As secretary of the commission you don't recall any letters they wrote to your body requesting a settlement?

A. No, I do not.

Q. Do you remember what the aggregate amount paid for that land was?

A. Something like $6,500.

Q. Something like $6,500?

A. That is as I remember it — might have been $6,800 or $6,900.

Q. But, at the outside, $7,000 was paid for the strip of land, in regard to which the case went before the auditor?

A. Yes.

Q. Now, have you any idea what your Board offered to pay for that land, what they were willing to pay?

A. I think they were not asked to make an award by the owners.

Q. I know, but your body — and you were secretary of your body — put some value upon that land?

A. The Park Commissioners, under the act, are required to make an estimate previous to a taking.

Q. Yes.

A. And in estimating it has been their custom to estimate land at its assessed valuation. That was the only figure set by the Park Commissioners in the line of value upon that property.

Q. Then they did set a price?

A. No; they estimated, following the usual course.

Q. Do you know whether or not the price was ever submitted to the owners?

A. It has been the custom of the Commissioners, in connection with a taking, to inform the owner that they had taken it, and giving the assessed valuation, and I have no doubt it was done in that case.

Q. Now, in this particular case in which you submit figures to show that your commission was obliged, in the case that went before an auditor to pay 1,041 per cent. in excess of the assessed valuation, the total amount involved in the settlement was $7,000, at the outside?

A. Something like that; yes.

Q. Have you any idea about these jury cases? Do you recall any of them in which you paid 252 per cent. in excess of the assessed value?

A. Yes.

Q. What were they?

A. One case — that of Billings' Field. An appropriation of $20,000 was made by the City Council. The owner thought his land was worth $48,000, and an effort was made in the City Council, I remember, to have an appropriation of $48,000 instead of $20,000, but it failed. The owner, after a conference with the Park Commissioners as to how much they would pay in settlement, went to a jury, and the jury gave him $46,000.

Q. Gave him $46,000 — that was after the City Council itself had decided that the land was worth $48,000. That is so, isn't it?

A. No; the City Council didn't decide that.

Q. The City Council as a body did not, but such an order was put in motion, was it not?

A. An effort to get $48,000 was put in motion, yes.

Q. Do you remember what the attitude of your Board was on that question of value?

A. The Park Commissioners, in negotiating with the owner, stated that they could offer him only 4¼ cents a foot, which was $20,000. The appropriation limited them to that offer. They offered all they had.

Q. For the land?

A. Yes, sir; about 4¼ cents a foot. As I remember it, he wanted 8 cents a foot.

Q. Does that comprise the three jury cases?

A. No, that does not. There are two other jury cases that I remember.

Q. Well, are the circumstances similar?

A. I don't know that I recollect. If I saw them I could tell.

Q. Well it is not exactly important. I wanted to know if they were about the same thing?

A. Two cases of land at Neponset.

Q. The Neponset Playground?

A. The Neponset Playground, yes. In one case the assessed valuation was $1,300 and they recovered $4,513, not counting interest; and in the other case, where the land was assessed for $300, they collected by jury trial $1,494.

Q. Now, Mr. Clarke, what attitude does the commission assume when those cases go before a jury? Who represents your body?

A. They are represented by the City Solicitor, Mr. Babson.

Q. I understand.

A. That is, he represents the city.

Q. I mean your commission?

A. It doesn't come before the commission at all, until they get notice that the execution has been paid, which they get from the City Auditor.

Q. Then no member of the commission takes any interest in the matter of land damages while the cases are pending before the courts. Is that it?

A. Only such as the Law Department calls for.

Q. Well does the Law Department ever call upon a commissioner to go before the Court?

A. No, I never knew it to be done. Sometimes they call on the Secretary to go to court and give evidence.

Q. Did you appear in the trial of any of these cases?

A. No, I did not not.

Q. Do you recall any trial in the last five years in which you did appear?

A. No, none. There have been very few trials in the last five years — these three, I think, are the only ones.

Q. Then, so far as you know, the Commissioners, the Board, have never taken any active part in deciding a case before a jury.

A. No.

Q. Have never appeared and said, "We think this land is worth so much"?

A. No, that wouldn't be evidence. I understand that they have to have expert evidence.

Q. On land?

A. Yes. Cases are settled on expert evidence.

Q. Now, five of these playgrounds which you have taken recently, or within a few years, have been taken under special appropriation of the City Council?

A. Yes.

Q. And for the playgrounds that you have taken within the last four years you have paid only 28 per cent in excess of the assessed valuation?

A. Yes.

Q. Do you mean by that actual settlements or the prices you figure on for settlement?

A. The settlements that have been made, as compared with the assessed valuation.

Q. Now, you have said something about petitions for playgrounds for Columbus avenue and Ashmont?

A. Yes.

Q. Who petitioned for the taking of the Columbus avenue Playground?

A. Several petitions were received.

Q. Have you those petitions here?

A. Yes.

Q. I would like to see them, Mr. Clarke. (The witness handed the petitions to counsel.) Now, in this petition, Mr. Clarke, we have 41 signers. Do you know whether or not any of the signers here owned any of that property?

A. I cannot remember that the names of the owners are on the petition.

Q. Do you remember that any effort was made to discover whether or not any of these parties were parties interested in the land?

A. I don't think I do; no.

Q. Playground, South End, Columbus-avenue Playground — do you know who got this petition up?

A. No, I do not.

Q. Was any inquiry made to discover?

A. I don't remember any.

Q. You have no idea of who prepared the plan with this petition?

A. Who prepared the plan?

Q. Yes.

A. I don't know; it accompanied the petition.

Q. You have no memorandum of who presented the petition?

A. No, I have not.

Q. Wouldn't that appear on your books?

A. No.

Q. You make no note of a petition?

A. No.

Q. Beyond saying that a certain petition was received?

A. That is all, unless it happens to be presented at a meeting of the Commissioners by somebody who appears.

Q. Now, the land taken on Columbus avenue was taken from the Elevated road, was it not?

A. Part of it, not the first.

Q. Well, the first taking was on these petitions, was it not?

A. Those petitions were sent in at the time the first taking was made, yes.

Q. That is, the Stark petition?

A. Stark and others, yes.

Q. Stark was the prime mover at the first taking?

A. I think it has been so testified; yes, by Mr. Stratton.

(The petitions here referred to, and at this point introduced by Mr. Lundy, have been referred to earlier in connection with Exhibit 69, and are marked "Exhibit 69 A" and "Exhibit 69 B.")

Q. We have here for the taking of the Ashmont Playground, Mr. Clarke, a petition signed by schools boys, in which the boundary lines of the land to be taken are described very definitely, and its nearness to the school itself (referring to Exhibit 69 A). Do you know who prepared that petition?

A. I do not.

Q. Do you know who presented it?

A. No.

Q. Well, where did you get it?

A. I couldn't tell you that.

Q. Did you have that in your possession the last time when I questioned you about the Ashmont playground?

A. Yes.

Q. Do you remember my asking you if there was any petition to take that land, and you said there was not?

A. You didn't ask me.

Q. Well, you remember my asking Mr. Stratton?

A. Yes.

Q. And he said there was none?

A. He said there was none, according to his remembrance.

Q. His remembrance?

A. Yes.

Q. But at that time you did have these?

A. Yes, I had them here, I believe.

Q. You have no idea of who had it prepared?

A. I don't know.

Q. Do you know whether or not these petitions were presented to you by the at that time Mayor of Boston?

A. I don't remember exactly. I think Mr. Pratt handed them in at the meeting. I won't be sure, but I think they came through Mr. Pratt's hands.

Q. Well, you do remember Mr. Quincy appeared before your Board on this matter, do you?

A. I don't think he appeared, no.

Q. Not at all. You would have a record of it on your books if he did?

A. Yes.

Q. You don't remember that he made any reference to this petition at any time in a meeting of your Board?

A. No.

Q. Nor to you personally?

A. Certainly not.

Q. Now, Mr. Clarke, you have testified that in the settlement for the taking of this Clarke land, Mr. Clarke received $2,000 less than he asked?

A. I think I so stated, yes.

Q. And you remember that you have previously testified that he received some hundreds of dollars in excess of the assessed valuation. Is that so?

A. I think so, yes.

Q. How much was that?

A. $3,500, or thereabouts.

Q. $3,500 in excess of the assessed valuation?

A. Yes.

Mr. MATTHEWS. — Ask him what percentage that was.

Q. (By Mr. LUNDY.) What percentage was that, Mr. Clarke?

A. (Figuring.) I make it 133 per cent.

Q. 133 per cent.?

A. No — wait a moment; 233 per cent.

Q. 233 per cent. in excess?

A. Yes.

Q. Now, you are familiar, Mr. Clarke, with the correspondence on this matter?

A. Yes.

Q. Did you have anything to do with the writing of either of these letters?

A. No.

Q. Do you know that Mr. Isaac P. Clarke communicated with Mr. Babson, the City Solicitor, on August 22, agreeing to accept $5,000?

A. Yes.

Q. That is, with the consideration that he would not have to go to law?

A. Yes.

Q. And do you also know that there is another letter from Mr. Isaac P. Clarke, dated one month later, September 22, in which he expresses surprise that Mr. Babson awards him no more than $5,000?

A. Yes.

(The letters above referred to are included in "Exhibit 72," introduced earlier in the day.)

Q. Who prepared this last report of the Commissioners for the year 1899, got out for 1900, this year?

A. There are several different parts.

Q. Yes, I understand. The superintendent has his part of it. But who prepares, for instance, that part of it signed by the Commissioners?

A. That was written by the Chairman.

Q. By Mr. Stratton?

A. In consultation with his fellow-members.

Q. And, as far as you know, Mr. Pettigrew's part was written by him. Is that so?

A. Yes.

Q. In requesting proposals for uniforms, Mr. Clarke, your circular said that the invited bidders were to examine certain samples of cloth?

A. Yes.

Q. Was that so?

A. Yes.

Q. Now, where were those samples procured?

A. The sample, I think, was not of cloth, but of the style of uniform.

Q. Well, where were the sample uniforms procured? Did you have the actual uniform?

A. We had the uniforms of the year before. This was with reference to the second lot of uniforms that we procured.

Q. Well, the first had been purchased of Mr. Shuman?

A. Yes.

Q. Was there any difference in design suggested by Mr. Shuman for the second set of uniforms?

A. I don't remember of any, unless it was for a different colored cloth.

Q. Then, the proposal was to bid exactly on that uniform?

A. Practically. They are all of khaki cloth, and that is very similar.

Q. The first year did I understand you to say what the men paid for their uniforms?

A. The statement has been sent, I think, to the City Council or the Mayor, that the men paid one-half the cost of the uniform.

Q. That is, for the first set?

A. Yes.

Q. And on the second set they paid what?

A. I think that for the second set the men were to pay the full cost, as I remember it. That is to say, no deduction was to be made on account of half time.

Q. They were to pay the whole cost. How did the price vary, Mr. Clarke, between the Shuman contract and the Leopold Morse contract?

A. As I remember it, the Shuman price was $5; the other was something like $3.35, something in that neighborhood — a considerable reduction.

Q. (By Alderman GERRY.) I would like to ask you, Mr. Clarke, in connection with this matter of excess valuation, upon which that table has been prepared, how it happened that 1895 was selected to stand alone?

A. Simply in order to state the percentage that had been paid during the four years that the present Commission have had control, the four years under discussion. That left one year out, which wouldn't be on either list.

Mr. MATTHEWS. — Counsel for the committee stated at the first hearing that the matter covered in this investigation would be in the four preceding years — that is, running from January 1, 1896, down to the present time.

Alderman GERRY. — That is all.

The CHAIRMAN. — Is there any other member of the committee who desires to ask any questions?

Alderman CODMAN. — I have some figures that I would like to verify later.

Mr. MATTHEWS. — Mr. Clarke will be here.

The CHAIRMAN. — Do you desire to ask him any questions now?

Alderman CODMAN. — No.

TESTIMONY OF JOHN A. PETTIGREW.

Q. (By Mr. MATTHEWS.) Mr. Pettigrew, how long have you been connected with the Boston Park Department?

A. Since January 2d, 1897.

Q. Prior to that time had you any experience in nursery work, gardening — landscape gardening or architecture, or tree culture?

A. Yes.

Q. Well, will you state, as briefly as you can, what your experience in those particulars had been?

A. How far back shall I go?

Q. State all your experience in those lines, briefly?

A. Well, my experience extends back to the time when I was ten years of age. I went to work in a garden when I was ten years of age, in England, as an apprentice. Then I moved from one place to another, seeking experience in that line, as is the custom in England, until I was twenty-two years of age.

Q. Pardon me for interrupting you — were your parents English?

A. My parents were Scotch.

Q. Had they any connection with these matters?

A. My father was a gardener. Among the places I gained experience in was the estate of Lampton Castle, County Durham, and Ravensworth Castle. Besides, I have had experience in nursery work, the mercantile part of the business, in Fallon's nursery, in Gateshead, County of Durham, and in Phinney's nurseries, Newcastle-on-the-Tyne, County of Cumberland. I came to this country in 1866, and commenced work for a florist in Chicago, in June of 1866. The proprietor died in the course of nine months, and I purchased his place from his widow. With a partner I carried on that business until the fall of 1871, when I was burned out in the Chicago fire. I then took a position in the stone business, as shipping clerk and yard foreman. That was in Chicago. The quarries were in Lamont, about twenty-five miles down the canal. After a year or two I became superintendent of the concern. It was merged into the Chicago and Lamont Stone Company, and I remained there until 1880, when I went into the manufacture of brick. I remained in that a year, and then resumed my old position in the Chicago and Lamont Company, as superintendent. In 1886 I became general manager of the Chicago Building Stone Company, which was an aggregation of the different stone firms in Chicago, a sort of pool arrangement for the

sale of their production — that is, the production of their rougher stock, the foundation stone. At the end of two years that disbanded. I went back into my old position again, with the Chicago and Lamont Stone Company. In 1889, in January, I accepted the position of superintendent of the West Park System, Chicago. I remained there three months, and I then took a position with the North Chicago Park System, Lincoln Park. I remained there until 1894, when I took a position as superintendent of the Milwaukee Park System. I remained there until the fall of 1895, I think, when I became superintendent of the Brooklyn Park System. In January, 1897, I came to Boston as superintendent of the Boston Park System.

Q. Was the change that you made in Chicago from the West Park to Lincoln Park accompanied by any change of salary, and if so, which way?

A. Yes; at the West Park, I received $3,000, and at Lincoln Park $3,600 per annum.

Q. How much did you say?

A. $3,600.

Q. What was the salary that you received in Brooklyn?

A. $3,500.

Q. What was the salary at Milwaukee?

A. $2,500.

Q. And what is your present salary in Boston?

A. $3,600.

Q. Anything besides that?

A. Yes; I have a house.

Q. Did you have a house in Brooklyn?

A. No.

Q. Can you state to the committee the circumstances which led to your transferring yourself from Brooklyn to Boston?

A. Well, I think it was in the month of November of the year before I came to Boston, I received notice, through Mr. Stiles, the editor of Garden and Forest, that some of the Boston Park Commission, and probably the Mayor of Boston, would come to visit the Brooklyn Park system, and that he wished that I would be as courteous as possible and show them around to the different parks in the system. After several engagements which were cancelled —

Q. Will you speak a little louder. This is a very large room, and it is very hard to hear.

A. Finally they came down, and I met them; but, hearing that the Mayor was of the party, I notified — our Commissioner, Mr. Woodruff, was away at the time, and I told our deputy commissioner that the Mayor of Boston was com-

ing with the party. He told the Mayor of Brooklyn about it, and the Mayor of Brooklyn met them, and we went around the Park system —

Q. Who was in the party from Boston?

A. Mr. Sargent, Mayor Quincy, Mr. Pratt and Mr. Stratton.

Q. Had you met either of these gentlemen before?

A. No; not any of them.

Q. Had you any acquaintance with Mr. Sargent before that time?

A. No.

Q. Either by correspondence or otherwise?

A. No; not even by correspondence. I knew of him through his writings.

Q. Knew him by reputation?

A. Yes, sir.

Q. But had no personal acquaintance with him?

A. I had no personal acquaintance with him.

Q. Was anything said at the time of that visit about your leaving Brooklyn and coming to Boston — at least, as far as you heard?

A. No; nothing said to me.

Q. What took place after that?

A. In about two weeks I received a letter or telegram from Mr. Hodges, the Chairman of the Board, who said he had not been present with the other commissioners when they made their visit, and that he would like to come down and look over the system and its ways and methods of doing business. I told him I would be very glad to see him and he came on. I met him and conducted him around —

Q. You will have to speak a little louder. We cannot hear you.

A. (Continuing.) — and before he went away he asked me how I would like to come to Boston and take hold of the department here.

Q. Was that the first that you had heard anything about coming to Boston?

A. That was the first that I had heard of it; yes. I told him, after a little conversation with him, that I would have to take a little time to consider it, and that I would come up to Boston and see him in a few days, which I did. We made a sort of an arrangement, which was to be verified later. I presume he was not authorized to complete arrangements.

Q. You are speaking now of your conference with Mr. Hodges, as Chairman of the Park Commissioners, in Boston?

A. Yes, sir. Then I received a letter from Mr. Stratton He asked me to come on here, when arrangements were completed by Mr. Stratton and Mayor Quincy.

Q. Did anything further take place with reference to your connection with the Brooklyn Park Department?

A. In what way?

Q. With reference to your leaving the Brooklyn Park Department and going to Boston?

A. Well, nothing only that when I informed the Commissioner that I had made an arrangement to go to Boston, he said that he felt very much disappointed. He said that he was a newly appointed commissioner —

Q. What was his name?

A. Commissioner Dettmer.

Q. I didn't understand that name?

A. Dettmer — D-e-t-t-m-e-r.

Q. You spoke about Mr. Woodruff. He was elected Lieutenant-governor, was he not?

A. Yes, sir; and Mr. Dettmer succeeded him.

Q. The department in Brooklyn is under a single commissioner?

A. Yes, sir.

Q. It was at that time?

A. Yes, sir. He said that he had accepted the place as a public necessity, almost. He said he had been induced to take it on the representation that I would remain there, and that he would be relieved of any trouble about the executive part of the work. I then tried to procure a release from Boston —

Q. By letter, or by word of mouth?

A. By letter.

Q. To whom did you write?

A. I wrote to Mr. Stratton, I think. Yes, I wrote to Mr. Stratton, because it was Mr. Stratton who wrote me the final letter, I think, completing the arrangement and verifying our verbal conversation; and Mr. Stratton wrote me —

Q. Well, no matter what he wrote. He sent you a reply?

A. He sent me a reply; yes.

Q. Have you that reply?

A. Yes, sir.

Q. Have you a copy of your letter to Mr. Stratton asking to be released?

A. No, I have not.

Mr. MATTHEWS. — Mr. Clarke, can you find that letter?

Mr. CLARKE. — I have the letter from Mr. Stratton.

Mr. MATTHEWS. — No, I mean the letter from Mr. Pettigrew to Mr. Stratton?

Mr. CLARKE. — No. I found the one subsequent, but not that one.

Mr. MATTHEWS. — Will you ask Mr. Stratton if he has it?

Mr. CLARKE. — Yes.

Q. (By Mr. MATTHEWS.) (Showing letter to witness.) Is that the letter that Mr. Stratton wrote in response to your request to be relieved from the contract which you had entered into with the Boston Park Board?

A. Yes, sir.

Mr. MATTHEWS. — I offer this, Mr. Chairman.

(For letter offered, see "Exhibit 89," at end of hearing.)

Mr. MATTHEWS. — Will there be any objection to suspending at this point until Friday?

The CHAIRMAN. — No, sir. The hearing is adjourned until Friday at 2 o'clock.

Adjourned at 5.46 P.M., to meet on Friday, April 27, 1900, at 2 P.M.

EXHIBIT NO. 62.

REDUCTIONS IN EXPENSE SINCE 1896.

Office Expenses.

January, 1896.		January, 1900.	
Secretary . . .	$3,000 00	Secretary . . .	$3,000 00
Accountant . .	2,250 00	Accountant . .	2,250 00
Purchasing Agent	1,800 00	Purchasing Clerk .	1,200 00
Clerk	1,800 00	Clerk	468 00
Clerk	780 00	Stenographer . .	720 00
Messenger . . .	200 00		
Stenographer . .	700 00		$7,638 00
	$10,530 00		

Engineering. Design. Superintendence.

January, 1896.		January, 1900.	
1 Engineer . .	$1,000 00	1 Superintendent .	$3,600 00
1 Assistant Engineer	2,034 50	1 Assistant Engineer	2,028 00
1 Assistant Engineer	782 50	4 Transitmen . .	4,368 00
1 Transitman . .	1,017 25	1 Assistant Transitman . . .	858 00
1 " . .	1,173 75	1 Draughtsman .	780 00
1 Leveller . . .	939 00	1 Inspector . .	1,560 00
1 " . . .	939 00	1 Planter . . .	1,196 00
1 " . . .	939 00	1 Clerk . . .	1,092 00
1 " . . .	939 00	3 Messengers . .	1,482 00
1 Rodman . . .	782 50		$16,964 00
1 " . . .	782 50		
1 " . . .	704 25		
1 " . . .	626 00		
1 Aid	782 50		
1 Inspector . .	1,565 00		
1 Clerk . . .	1,095 50		
1 "	939 00		
1 "	782 50		
1 Assistant Landscape Gardener	2,400 00		
Landscape Architects and Expenses . . .	4,000 00		
	$24,223 75		

Rent.

January, 1896.		January, 1900.
Office rent paid by Department of Public Buildings	$2,000 00	No rent paid.

Summary.

January, 1896.		January, 1900.	
Office Expenses .	$10,530 00	Office Expenses .	$7,638 00
Engineers, etc. .	24,223 75	Engineers, etc. .	16,964 00
Public Buildings Department .	2,000 00		$24,602 00
	$36,753 75		
	24,602 00		
Saving	$12,151 75	or 33 per cent.	

EXHIBIT No. 63.

AMOUNTS EXPENDED YEARLY FOR LAND AND CONSTRUCTION.

Year.	Land.	Construction.	Year.	Land.	Construction.
1878.....	$430,392 20	$51,450 22	1890.....	$198,228 02	$505,540 74
1879.....	9,298 70	82,423 19	1891.....	418,188 51	801,693 22
1880.....	3,402 00	106,135 15	1892.....	404,742 70	653,149 97
1881.....	981 79	217,002 87	1893.....	591,434 61	750,294 31
1882.....	No payments	191,775 34	1894.....	1,007,875 13	1,097,372 52
1883.....	712,810 11	229,981 56	1895.....	559,249 81	440,601 02
1884.....	508,121 84	247,537 26	1896.....	134,197 40	302,999 39
1885.....	365,178 77	240,318 46	1897.....	87,710 36	577,529 97
1886.....	249,472 93	93,348 38	1898.....	8,960 50	478,188 58
1887.....	494,315 38	414,763 24	1899.....	116,493 16	422,851 80
1888.....	12,771 37	584,039 46		Trinity Triangle, 30,000 00	General acct., etc. 103,934 57
1889.....	43,095 73	459,158 35			
				$6,386,921 02	$9,052,089 57

Total to January 31, 1900		15,439,010 59
Add Playgrounds from Sheet No. 2	$26,451 69	
	647,756 36	674,208 05
Expenses not included in either sheets: Columbia road (expended by Street Department and chargeable to this Department).....		486,000 00
Betterments.....		13,356 10
First-street Playground		9,554 85
Freeport-street Triangle.....		4,000 00
Rogers Park		735 21
Land for Playgrounds.....		168 79
Total expenditure as per footing in 25th Annual Report, page 61 ...		$16,627,033 59

EXHIBIT No. 64.

BOARD OF PARK COMMISSIONERS.

JAMAICA PARK, December 30, 1897.

HON. JOSIAH QUINCY, *Mayor:*

SIR, — We have had made careful estimates of the cost of completing the parks, and find that to finish and plant the Fens (including the part north of Beacon street on which no work has

ever been done), the Riverway, Leverett Park, Jamaica Park, the Arborway, the Arnold Arboretum, Franklin Park, Dorchester Park, Dorchesterway, Marine Park, Castle Island, Wood Island Park, North End Beach and Copp's Hill Terraces, will require $1,000,200.

With this amount of money we believe these parks can be completed, and that they can be equipped with all the buildings which will be required by the public for the best enjoyment of the park system, during the next twenty-five or thirty years. In making up these estimates we have endeavored, by giving up certain roads, walks and buildings not now needed, and by otherwise simplifying the designs which have been furnished by the landscape architects, to improve the parks as places of recreation for the public, and to reduce not only the cost of construction, but also that of future annual maintenance, which, in any case, may be expected to increase as the parks are more used. This estimate for finishing the parks is about $1,500,000 lower than the previous estimates which have been made for completing them.

A considerable part of the money now to be expended will be required in planting trees, as the south and east ends of Franklin Park, the Parkways, Jamaica Park, Leverett Park, and portions of the Fens which have never been planted. Trees on the parkways and groves and woods to protect the borders of the parks will add greatly to their beauty and usefulness; and as many years must necessarily elapse before trees which are planted now are large enough to fulfil their purpose, it seems particularly desirable that all the trees which are needed on the parkways should be planted without further delay, and that all plantations required for the embellishment of the different parks in the system should be completed as rapidly as material for them can be obtained. It is our intention to push this part of park construction as rapidly as possible.

It is impossible at this time to form an estimate of the cost of completing the Strandway, as the plans for this have not yet been developed. This improvement may be expected to cost, however, at least $166,000.

To complete the following playgrounds, now under the charge of the Park Commission, namely, Franklin Field, Charlestown Heights, Charlestown Playground, Billings Field, North Brighton Playground, First-street Playground, Town Field, Dorchester, Mystic Playground, Neponset Playground, $370,000 will be required. This amount, with $166,000 for the Strandway, and $964,000 for the parks and parkways, calls for $1,500.000. The work on the parks and playgrounds can be most economically completed with an annual expenditure for three years of $500,000, and we recommend that this amount be plnced at our disposal.

In these estimates no provision is made for building the West Roxbury Parkway, with the exception of $5,000 for tree planting, and $34,000 for building an ordinary road in that part of the parkway between Weld street and Mt. Bellevue, being the part

leased to the city by the Metropolitan Park Commission, and nothing is allowed for the new Bussey street. Estimates for this work are omitted, because the construction of the West Roxbury Parkway can, we believe, be postponed for many years without injury to the public, and the new Bussey street cannot be built economically until the stone in the ledge which it traverses is used on the West Roxbury Parkway.

It seem unnecessary now to say anything on our needs for additional public playgrounds. The North End, Roxbury, Huntington-avenue district, South Bay district, Beacon Hill district, Jamaica Plain, Forest Hills and Roslindale need playgrounds. It appears desirable that the city should expend $1,000,000 in buying land for playgrounds in different parts of the city. This money can be expended to best advantage by the Park Commission, subject to the approval of the Mayor, and, if the whole sum could be made available at once, the Board could probably buy land more economically than would be possible if limited to annual expenditures of portions of the whole amount.

Most of the land which it would be desirable to buy now would not have to be developed for several years.

Yours respectfully,

CHARLES E. STRATTON, *Chairman.*

APPENDIX TO COMMUNICATION FROM BOARD OF PARK COMMISSIONERS.

November 23, 1897.

APPROXIMATE ESTIMATE OF COST OF CONSTRUCTION WORK TO BE DONE ON PARK SYSTEM.

COMMONWEALTH AVENUE:		
Tool-house	$1,000	
		$1,000
THE FENS:		
North of Beacon street (includes 34,000 cubic yards filling at 60 cents, amounting to $20,400) .	$71,000	
Plantations	15,000	
One sanitary building . . .	3,500	
One tool-house	1,000	
		90,500
RIVERWAY:		
One tool-house	$1,000	
Electric lights on Audubon road .	500	
Widening tree space and planting .	5,000	
		6,500
Carried forward		$98,000

Brought forward . . .		$98,000
LEVERETT PARK:		
Change in walks	$2,600	
Filling ponds	2,700	
One sanitary building . . .	3,000	
Widening tree space and planting .	2,500	
Plantations	10,000	
		20,800
JAMAICA PARK:		
Pine Bank drives, walks and grading,	$12,000	
Perkins street, widening and surfacing	10,600	
Parkman road, surfacing and drainage	14,800	
Removing gate-house and repaving overflow culvert	700	
Grading and surfacing walks . .	3,800	
Wall on Prince and Perkins streets .	11,200	
Widening tree space . . .	1,500	
Loam	25,000	
Planting	5,000	
Shore of pond	5,000	
		89,600
ARBORWAY:		
Grading and surfacing roads and walks	$9,100	
Wall at N. Y., N. H. & H. R.R. bridge	2,800	
Planting	1,000	
		12,900
ARNOLD ARBORETUM:		
Two bridges	$25,000	
Grading and surfacing roads and walks	48,000	
Three gateways and gates . .	4,000	
Five gates at $500	2,500	
Boundary walls	5,500	
		85,000
WEST ROXBURY PARKWAY:		
Planting	$5,000	
Grading roadway, Weld street to Washington street . . .	34,000	
		39,000
PARKWAY:		
Five-foot loam space on entire length,	$25,000	
		25,000
Carried forward . . .		$370,300

Brought forward		$370,300
FRANKLIN PARK:		
Boundary walls	$57,400	
Road under Forest Hills entrance .	7,500	
Road to Nursery, with drainage .	2,700	
Repair shops and stable . . .	25,000	
Grading, clearing and general work, including "Greeting" and walks around Scarboro' pond . .	125,000	
Country Park drainage	10,900	
Country Park plowing and seeding .	5,000	
Loam	150,000	
Plantations	25,000	
Five sanitary buildings . . .	20,000	
Three shelters	6,000	
		434,500
FRANKLIN FIELD:		
Loam	$10,000	
Planting	5,000	
Sheep barn	2,500	
Drainage	2,500	
General clearing and grading, including Talbot avenue . . .	10,000	
Brick drain in place of ditch . .	25,000	
Boundary fence	10,500	
Shelter	3,000	
		68,500
DORCHESTER PARK:		
Boundary fence	$6,000	
Clearing grounds	3,000	
Plantations	5,000	
		14,000
DORCHESTERWAY:		
(Columbia road)	$3,000	
		3,000
STRANDWAY:		
Grading at K and M streets, wharf .	$166,000	
		166,000
MARINE PARK (not including filling):		
Loam	$40,000	
Planting	5,000	
Drainage	1,000	
Completion of pier-head . . .	5,000	
Curbing	1,500	
Fence	3,000	
Tree space and planting in Q street .	2,500	
Walks	9,600	
		67,600
Carried forward		$1,123,900

Brought forward		$1,123,900
CASTLE ISLAND:		
Planting	$2,000	
Shelter	3,000	
Sanitary building	4,000	
		9,000
WOOD ISLAND PARK:		
Loam	$8,000	
Planting	2,500	
Shelter	3,000	
Foot-bridge at Prescott street	4,000	
Grading	10,000	
Bath-house	12,000	
Neptune avenue	19,500	
Bathing beach	2,000	
Walks	1,000	
Drainage	500	
		62,500
NORTH END BEACH:		
Gravel space	$1,500	
		1,500
COPP'S HILL TERRACES:		
Fences	$175	
Water supply	225	
Planting	500	
Sidewalk	600	
Charter-street walk	300	
		1,800
CHARLESTOWN HEIGHTS:		
Grading along St. Martin street	$1,000	
Bridge over railroad	3,500	
Filling and grading	10,500	
Fence along railroad	400	
		15,400
CHARLESTOWN PLAYGROUND:		
Filling and grading	$5,000	
Loam	10,000	
Planting	2,000	
Walks	4,500	
Fence	3,800	
Sanitary building	4,000	
Drainage	4,000	
Water supply	2,000	
Raising sea wall	7,000	
Shelter	3,000	
		45,300
CHARLESBANK:		
Fence	$1,500	
		1,500
Carried forward		$1,260,900

Brought forward . . .		$1,260,900
BILLINGS FIELD:		
Filling and grading . . .	$12,000	
Roads and walks	5,000	
Drainage	5,000	
Fence	3,100	
Planting	2,500	
Water supply	1,500	
Shelter	3,000	
Sanitary	4,000	
		36,100
NORTH BRIGHTON PLAYGROUND:		
Filling and grading . . .	$24,000	
Walks	5,300	
Planting	2,000	
Loam	15,000	
Drainage	5,500	
Water supply	2,500	
Shelter	3,000	
Fence	4,000	
Sanitary building	4,000	
		65,300
FIRST-STREET PLAYGROUND:		
Planting	$500	
Fence	2,400	
Shelter	3,000	
Water supply	400	
Sanitary building	4,000	
Apparatus	2,500	
		12,800
TOWN FIELD — DORCHESTER:		
Filling and grading . . .	$12,000	
Loam	4,700	
Planting	500	
Walks	2,100	
Drainage	800	
Water supply	500	
Fence	3,300	
Sanitary building	4,000	
Shelter	3,000	
		30,900
MYSTIC PLAYGROUND:		
Grading	$2,500	
Loam	1,500	
Planting	500	
Walks	600	
Drainage	500	
Water supply	200	
Carried forward . . .	$5,800	$1,406,000

Brought forward	$5,800	$1,406,000
Sea wall	8,000	
Fence	1,000	
		14,800
NEPONSET PLAYGROUND (not including boundary streets):		
Filling and grading	$34,000	
Loam	10,700	
Planting	3,000	
Walks	3,000	
Drainage	7,300	
Water supply	3,000	
Fence	4,200	
Shelter	3,000	
Sanitary building	4,000	
		72,200
		$1,493,000

EXHIBIT No. 65.

CITY OF BOSTON, DEPARTMENT OF PARKS,
JAMAICA PLAIN, MASS., April 23, 1900.

LENGTH AND COST OF BOUNDARY WALLS BUILT SINCE JANUARY 31, 1896.

LOCALITY.	Length.	Contract Work.	Foundations including Stone, Teaming, Grading, etc.	Total Cost.
Riverway	213 lin. ft.	.....	$1,221 01	$1,221 01
Jamaica Park	37,472 "	$37,494 61	3,142 12	10,636 73
Arborway	10,220 "	3,641 50	943 58	4,585 08
Arnold Arboretum	50,605 "	11,026 32	2,227 72	13,254 04
Franklin Park	13,539.5 "	28,861 38	25,378 90	54,240 28
Dorchester Park	9,430 "	2,149 75	1,262 25	3,412 00
Charlestown Heights	2,240 "	4,640 00	276 84	4,916 84
Totals	247,492 lin. ft.	$57,813 56	$34,452 42	$92,265 98

Average cost per linear foot, $3.73.

(Signed) C. E. PUTNAM,
Assistant Engineer.

EXHIBIT NO. 66.

COMPARISON OF NUMBER OF LABORERS EMPLOYED IN AUGUST AND DECEMBER FOR PAST EIGHTEEN YEARS.

DATE.	Laborers.	Special Occupations.	Total.
August, 1882	135	77	212
December, "	20	3	23
August, 1883	137	69	206
December "	104	37	141
August, 1884	169	46	215
December, "	127	36	163
August, 1885	155	61	216
December, "	50	21	71
August, 1886	5	23	28
December, "	1	22	23
August, 1887	332	50	382
December, "	464	64	528
August, 1888	411	112	523
December, "	58	69	127
August, 1889	387	115	502
December, "	461	72	533
August, 1890	368	135	503
December, "	166	82	248
August, 1891	314	82	396
December, "	348	130	478
August, 1892	412	142	554
December, "	326	110	436
August, 1893	386	184	570
December, "	341	115	456
August, 1894	392	131	523
December, "	306	127	333
August, 1895	205	70	275
December, "	141	96	237
August, 1896	328	117	445
December, "	117	52	169
August, 1897	261	125	386
December, "	362	83	345
August, 1898	334	120	454
December, "	191	107	298
August, 1899	407	140	547
December, "	374	116	490

EXHIBIT NO. 67.

PERCENTAGE OF AMOUNT PAID FOR LABOR, MATERIAL AND CONTRACTS, ON CONSTRUCTION ACCOUNT, PUBLIC PARKS APPROPRIATION.

	Expenditure for Construction.	Labor.	Material.	Contracts.
1892–93	$653,149 97	$.40\frac{9}{10}$	$.12\frac{3}{10}$	$.46\frac{8}{10}$
1893–94	750,294 14	.38	$.17\frac{7}{10}$	$.44\frac{3}{10}$
1894–95	1,093,902 93	$.32\frac{2}{10}$	$.23\frac{8}{10}$	.44
Total	$2,497,347 04			
Average per cent	.....	.37	.18	.45
1897–98	$546,460 06	$.35\frac{9}{10}$	$.12\frac{2}{10}$	$.51\frac{9}{10}$
1898–99	478,188 58	$.44\frac{7}{10}$	$.26\frac{4}{10}$	$.28\frac{9}{10}$
1899–1900	429,271 78	$.54\frac{5}{10}$	$.21\frac{9}{10}$	$.28\frac{6}{10}$
Total	$1,453,920 42			
Average per cent	.....	.45	$.20\frac{2}{10}$	$.34\frac{8}{10}$

EXHIBIT NO. 68.

STATEMENT OF AMOUNT PAID FOR LAND FROM 1877 TO 1884, INCLUSIVE, AND THE ASSESSED VALUE OF THE SAME AT THE TIME OF ITS PURCHASE OR TAKING.

Date.	NAMES.	Assessed value.	Damages.	Interest.	Costs.	Amount paid.
Dec. 29, 1877..	Boston Water-Power Company.....	$317,435 25	$276,383 20	.....	.....	$276,383 20
March 18, 1878..	S. Davis, John L. DeWolf and Henry B. Brigham.....	5,064 92	7,235 60	.....	.....	7,235 60
" " " ..	Wm. G. Binney.....	11,826 60	5,913 30	.....	.....	5,913 30
" " " ..	John F. Brinton.....		5,913 30	.....	.....	5,913 30
April 26, " ..	George Brooks.....	11,607 20	14,509 00	.....	.....	14,509 00
" " " ..	J. S. Ambrose and Horace Billings.....	1,851 28	2,314 10	.....	.....	2,314 10
" 30, " ..	Boston Water-Power Co.....	(Value above)	24,734 70	.....	.....	24,734 70
" " " ..	Francis J. Ward.....	9,873 50	5,947 50	.....	.....	5,947 50
May 22, " ..	Wm. Aspinwall.....	4,581 92	5,727 40	.....	.....	5,727 40
" " " .	Trustees Eliot School.....	7,568 68	10,765 20	.....	.....	10,765 20
" 28, " ..	William Roberts.....	9,991 20	4,995 60	.....	.....	4,995 60
June 14, " ..	Boston Water-Power Co.....	(Value above)	48,545 80	.....	.....	48,545 80
" " " ..	W. O. & R. C. Shaw and Aug. Russ, Trs. and Grdns.....	11,926 08	9,938 40	.....	.....	9,938 40
" 26, " ..	Trustees Eliot School.....	(Value above)	47 20	.....	.....	47 20
July 11, " ..	Sam'l Weld, Sam'l Weld Trs., C. R. Weld, and Mary E. R. Willard.....	2,307 62	3,296 60	.....	.....	3,296 60
Sept. 6, " ..	C. F. Shimmen, guardian.....	2,887 71	4,125 30	.....	.....	4,125 30
June 21, 1879..	Boston Water-Power Company.....	(Value above)	7,798 70	.....	.....	7,798 70
" " " ..	Thomas Robinson *et al.*, trustees.....	1,050 00	1,500 00	.....	.....	1,500 00
July 6, 1880..	Dwight Foster *et al.*, B. W. P. Co.....	(Value above)	3,402 10	.....	.....	3,402 10
March 29, 1881..	Boston Water-Power Co.....	" "	893 00	$67 00	$21 79	981 79

EXHIBIT No. 68. — *Continued.*

Date.	Names.	Assessed value.	Damages.	Interest.	Costs.	Amount paid.
Jan. 2, 1883..	East Boston Co.	$65,649 12	$50,000 00	.....	.....	$50,000 00
" 6, " ..	Arthur W. Austin	15,932 90	15,932 90	.....	.....	15,932 90
" 11, " ..	Adams Nervine Asylum	11,078 84	11,078 84	.....	.....	11,078 84
" " " ..	Charles Eustis Hubbard Trs.	1,912 09	2,386 00	$4 11	.....	2,390 11
March 8, " ..	F. O. Prince	32,500 00	40,625 00	.....	.....	40,625 00
" " " ..	F. O. Prince & Geo. S. Cushing Trs.	14,300 00	17,875 00	.....	.....	17,875 00
" 16, " ..	Edward H. Dewson *et al.*	38,400 00	24,000 00	.....	.....	24,000 00
" " " ..	Jos. S. & Jer'h Williams		24,000 00	.....	.....	24,000 00
" 23, " ..	J. Wilkinson Clapp, Assg.	39,400 00	49,250 00	.....	.....	49,250 00
" " " ..	Francis A. Peters	4,000 00	5,000 00	.....	.....	5,000 00
" " " ..	Patrick Meehan	3,900 00	4,875 00	.....	.....	4,875 00
" " " ..	Andrew J. Peters	15,500 00	19,375 00	.....	.....	19,375 00
April 16, " ..	J. C. Lindsey *et al.*, trustees	22,700 00	16,214 28	.....	.....	16,214 28
" " " ..	" " " " ..		1,013 39	.....	.....	1,013 39
" " " ..	Nathaniel Wales		5,066 97	.....	.....	5,066 97
" " " ..	Annie W. Stratton		1,013 39	.....	.....	1,013 39
" " " ..	Susan M. L. and Ellen K. Wales		1,013 39	.....	.....	1,013 39
" " " ..	Susan T. Young, wife of W. H. H.	4,500 00	5,625 00	.....	.....	5,625 00
" 20, " ..	Augustus Parker *et al.*	17,600 00	22,000 00	.....	.....	22,000 00
" 25, " ..	Massachusetts General Hospital	62,000 00	62,000 00	.....	.....	62,000 00
" 27, " ..	Samuel H. Russell Trustees	30,000 00	30,000 00	.....	.....	30,000 00
" " " ..	Margaret M. Flynn	7,400 00	20,635 30	.....	.....	20,635 30
" " " ..	Aug. Russ and Benjamin Dean trustees	4,700 00	30,000 00	.....	.....	30,000 00
" " " ..	Louisa B. Dutton *et al.*	24,162 40	20,135 33	.....	.....	20,135 33
" " " ..	James C. Davis, guardian		4,027 07	.....	.....	4,027 07
" 30, " ..	Thomas C. Wales	(Value above)	4,053 58	.....	.....	4,053 58
May 7, " ..	Joseph P. Ellicott	12,600 00	15,750 00	.....	.....	15,750 00
June 11, " ..	Caroline Isabel Smith	16,300 00	24,849 34	173 95	.....	25,923 29
" " " ..	Jacob C. Abbott, heirs	18,100 00	19,516 82	33 18	.....	19,550 00
" 20, " ..	Union Mut. Life Ins. Company	5,085 00	5,085 00	.....	.....	5,085 00
July 9, " ..	Boston Gas Light Company	22,182 00	21,294 33	142 67	.....	21,437 00
" " " ..	C. B. Cummings *et al.*	15,400 00	16,886 85	113 15	.....	17,000 00
" 30, " ..	Emily E. Sears *et al.*	281 00	281 00	.....	.....	281 00
" " " ..	Amos A. Lawrence	3,700 00	3,700 00	.....	.....	3,700 00

Sept. 21,	" ..	Institution Savings, Newburyport	70,000 00	87,814 00	1,686 00	.....	89,500 00
" "	" ..	Michael Devine	3,600 00	4,419 13	80 87	.....	4,500 00
Oct. 23,	" ..	Lewis May and Ewald Fleitmann	3,459 68	3,459 68	.....	.....	3,459 68
" 25,	" ..	James H. and Lavinia H. Foy.	9,100 28	9,100 28	.....	.....	9,100 28
Nov. 1,	" ..	Rufus Estabrook		1,626 75	.....	.....	1,626 75
" "	" ..	Oliver S. Sanford		1,084 50	.....	.....	1,084 50
" "	" ..	Mary H. Ames		1,084 50	.....	.....	1,084 50
" "	" ..	James B. Ames	6,832 80	542 25	.....	.....	542 25
" "	" ..	Elizabeth G. Hoyt		542 25	.....	.....	542 25
Dec. 3,	" ..	G. W. Warren heirs		542 25	.....	.....	542 25
" "	" ..	Susan M. Clarke	5,801 81	5,801 81	.....	.....	5,801 81
Jan. 9,	1884..	William I. Bowditch	2,000 00	2,000 00	.....	.....	2,000 00
" 21,	" ..	Thomas P., Sarah L. and Mary B. Proctor	16,400 00	20,500 00	.....	.....	20,500 00
" 25,	" ..	Joseph P. Ellicott	5,600 00	7,000 00	.....	.....	7,000 00
" 25,	" ..	Sarah Parker	15,200 00	19,843 65	.....	.....	19,843 65
" 26,	" ..	Nath'l A. Thayer, Trs.	31,400 00	36,750 00	.....	.....	36,750 00
Feb. 7,	" ..	H. Sargent, Grdn. & Trs	36,200 00	43,649 90	.....	.....	43,649 90
" 13,	" ..	C. D., G. J. & D. Townsend	11,500 00	14,375 00	.....	.....	14,375 00
" "	" ..	Jacob Fotler	58,700 00	63,141 00	2,734 00	.....	65,875 00
March 21,	" ..	Helen Church	21,800 00	27,250 00	.....	.....	27,250 00
April 22,	" ..	Susan H. Dabney	25,400 00	30,250 00	.....	.....	30,250 00
July 1,	" ..	A. L. Ames	.....	500 00	.....	.....	500 00
" 12,	" ..	Mary E. Parker	12,200 00	14,032 80	947 20	.....	14,980 00
" 25,	" ..	" " "	.....	469 00	32 83	.....	501 83
Aug. 19,	" ..	William H. Milton Heirs	7,000 00	8,592 75	157 25	.....	8,750 00
" "	" ..	D. W. Foster and J. Wyman, Trs	4,789 96	4,789 96	.....	.....	4,789 96
Sept. 9,	" ..	I. B. Patten	1,330 20	1,418 88	.....	.....	1,418 88
" 19,	" ..	Henry W. Nelson	23,800 00	50,886 28	4,238 83	14 42	55,139 53
" 30,	" ..	Brookline Land Co.	5,576 94	5,576 94	.....	.....	5,576 94
Oct. 21,	" ..	Mary E. Palmer	2,788 48	2,788 48	.....	.....	2,788 48
Nov. 13,	" ..	Knyvet W. Sears	12,552 64	12,552 64	.....	.....	12,552 64
" "	" ..	Ellen M. Hasbrouch and others	19,700 00	26,634 38	865 62	.....	27,500 00
Dec. 6,	" ..	John Fottler	33,600 00	48,262 55	1,737 45	.....	50,000 00
" 20,	" ..	William E. Abbott	20,700 00	34,589 08	1,324 76	.....	35,913 84
" 27,	" ..	Henry W. Nelson	(Value above)	4,483 45	447 10	.....	4,930 55
" 29,	" ..	Frederick Ayer	5,300 40	11,730 75	3,519 25	34 64	15,385 64
			$1,387,588 50	$1,646,629 67	$18,305 22	$70 85	$1,665,006 74

The total damages, without interest or costs, is 18⅔ per cent. more than the assessed valuation.

EXHIBIT No. 68. — *Continued.*

Date.	Names.	Assessed value.	Damages.	Interest.	Costs.	Amount paid.
April 17, 1885..	Alexander Rutherford	$1,500 00	$22,247 20	$252 80	.....	$2,500 00
" 30, " ..	C. B. Cummings *et al.*, taxes	.....	303 96	.....	.....	303 96
" " " ..	Inst. Savings, Newburyport, taxes	.....	1,247 87	.....	.....	1,247 87
May 4, " ..	Asa P. Hathaway	4,736 88	4,236 88	.....	.....	4,236 88
June 4, " ..	Hannah Maher, A. A. Butler, Nancy Breen..	25,700 00	28,833 60	3,460 07	$168 39	32,462 06
" 22, " ..	Wm. Soher, tr., Ed. D. Soher and C. A. Welch, trs.	58,492 50	78,330 58	9,702 18	60 26	88,093 02
Aug. 21, " ..	Samuel W. Clifford *et al.*	3,690 00	3,690 00	.....	.....	3,690 00
Oct. 12, " ..	C. B. Wood, city collector	.....	865 52	.....	.....	865 52
Nov. 16, " ..	Benj. D. Wood, exc'r	52,600 00	57,871 80	8,558 07	121 37	66,551 24
Oct. 29, " ..	G. DeF. Lord, trs.	48,400 00	85,093 38	12,406 62	199 65	97,699 65
Nov. 16, " ..	Mary A. Scott, widow and heir of Robt. Scott,	26,300 00	57,829 01	9,385 68	29 21	67,243 90
" 20, " ..	W. G. Binney and Ed. I. Brown, tr. ⅔	284 67	284 67	.....	.....	284 67
Dec. 29, " ..	Charles F. King	5,800 00	6,590 90	659 10	.....	7,250 00
Jan. 18, 1886..	Jane L. Anderson	900 00	1,554 14	247 11	.....	1,801 25
Feb. 5, " ..	George W. Goldsmith	9,721 50	28,983 98	5,391 02	25	34,375 25
April 9, " ..	Ellen S. Eldredge *et al.*	41,700 00	69,936 03	12,063 97	.....	82,000 00
June 14, " ..	Francis A. Peters	5,651 60	6,509 35	829 94	102 62	7,441 91
" " " ..	J. C. Skinner	415 57	1,147 19	238 04	25	1.385 48
" 15, " ..	Caroline E., wife of E. M. Skinner	2,634 23	7,271 97	1,508 93	25	8,781 15
" " " ..	Freelove S., wife of Daniel H. Kent	1,646 62	4,959 61	1,029 12	25	5,988 98
Aug. 6, " ..	Francis L. Davis	3,200 00	4,865 77	934 23	.....	5,800 00
" 20, " ..	Geo. A. Curtis and S. A. Bolster	900 00	1,500 00	.....	.....	1,500 00
Oct. 13, " ..	G. F. and Harrietta E. Parkman	30,500 00	45,831 94	9,258 06	33 65	55,123 65
Nov. 23, " ..	Sarah B. Morton	10,500 00	20,132 76	3,104 47	147 06	23,384 29
Dec. 11, " ..	G. W. Lincoln *et al.*	9,700 00	12,570 66	1,985 72	84 59	14,640 97
Jan. 7, 1887..	William S. Bond	12,400 00	21,750 00	.....	.....	21,750 00
" " " ..	Geo. Wm. Bond, tr.	535 32	1,028 00	.....	.....	1,028 00
" " " ..	Geo. Wm. Bond	.....	222 00	.....	.....	222 00

April 29, " ..	Nicholas Fitzgerald, ex.	1,400 00	2,400 00	.....	.....	2,400 00
May 7, " ..	Susan T., wife of W. H. H. Young	35,700 00	57,240 84	13,566 11	25	70,807 20
" 20, " ..	Otis H. Weed	1,300 00	4,000 00	.....	.....	4,000 00
" 27, " ..	Emily Sharp	5,500 00	7,208 76	1,229 78	127 40	8,565 94
June 13, 1887..	Samuel E. Sawyer	85,400 00	233,090 72	47,565 19	147 13	280,803 04
" 29, " ..	Geo. Billings, judgment	20,900 00	34,459 73	6,547 35	.....	41,007 08
July 8, " ..	Wm. E. Finneran, Adm'r	2,400 00	3,800 00	.....	.....	3,800 00
Nov. 1, " ..	Alex. S. Porter	4,530 76	3,613 87	1,698 53	115 64	5,428 04
" 1, " ..	Clinton Savings Bank		5,105 44	2,399 56	106 87	7,611 87
" 8, " ..	Francis Malley	2,600 00	5,000 00	.....	.....	5,000 00
" 27, " ..	Boston & Rox. Mill. Corporation	17,594 85	14,964 85	7.108 31	25	22,073 41
Dec. 23, " ..	Davis Sears *et al*	2,212 50	4,390 50	.....	.....	4,390 50
" " " ..	Elizabeth G. Hoyt	12,281 40	1,432 83	.....	.....	1,432 83
" " " ..	Rufus Estabrook		2,865 66	.....	.....	2,865 66
" " " ..	George F. Pinkham		1,432 83	.....	.....	1,432 83
" " " ..	Mary H. Ames		2,865 66	.....	.....	2,865 66
" " " ..	James B. Ames		1,432 83	.....	.....	1,432 83
" " " ..	Mary R. Pelton & C. U. Cotting, Ex		2,865 66	.....	.....	2,865 66
" " " ..	Lyman P. French		1,432 83	.....	.....	1,432 83
" 30, " ..	Susan M. Loring	295 50	1,100 00	.....	.....	1,100 00
Jan. 6, 1888..	Union Mut. Life Ins. Co	81 60	142 80	.....	.....	142 80
May 18, " ..	Ellen Morrow & H. C. Rogers	2,200 00	3,600 00	.....	.....	3,600 00
Sept. 5, " ..	Louise T. C. Thayer	3,700 00	7,129 26	1,860 74	38 57	9,028 57
Dec. 21, " ..	David Johnson *et al*	522 30	734 24	395 76	.....	1,130 00
Jan. 15, 1889..	Edw. Thompson *et al*	2,789 71	6,353 26	3,449 83	135 00	9,938 09
Feb. 15, " ..	F. V. Balch *et al.*, Trs	9,637 62	12,748 16	.....	.....	12,748 16
" " " ..	Nancy M. Downer	21,307 46	18,500 00	.....	.....	18,500 00
April 20, " ..	Daniel Madden	400 00	750 00	.....	.....	750 00
July 22, " ..	F. C. Morrow, Heirs, taxes	.....	29 48	.....	.....	29 48
Nov. 8, " ..	L. J. Morris & J. B. Hand, Ex	113 80	189 67	.....	.....	189 67
		$591,576 39	$996,568 65	$168,836 29	$1,618 91	$1,165,023 85

The total damages, without interest or costs, is 66⅔ per cent. more than the valuation.

EXHIBIT No. 68. — *Continued.*

Date.	Names.	Assessed value.	Damages.	Interest.	Costs.	Amount paid.
April 25, 1890..	Freelove S. Kent	$4,000 00	$4,000 00	.....	.....	$4,000 00
May 23, " ..	Wm. H. Finney	23,247 60	13,966 50	.....	.....	13,966 50
" 23, " ..	Wm. G. Binney, *et al.*, Tr.	28,861 60	27,724 40	.....	.....	27,724 40
" 23, " ..	Wm. H. Lincoln & J. W. Candler	9,171 20	5,703 00	.....	.....	5,703 00
June 26, " ..	Conrad Dexter	2,300 00	4,310 34	$39 66	.....	4,350 00
July 23, " ..	Thomas Salmon	2,300 00	4,013 80	56 20	.....	4,070 00
Sept. 3, " ..	Ann Hoben	66 90	218 62	4 38	.....	223 00
" 18, " ..	Thomas Sproules	400 00	1,135 87	26 13	.....	1,162 00
" 18, " ..	Thomas F. Hunt	18,900 00	36,290 89	13,910 31	$228 45	50,429 65
Oct. 2, " ..	Andrew Griffen	600 00	1,463 41	36 59	.....	1,500 00
" 6, " ..	Mary F. Corbett, *et al.*	3,063 74	3,654 97	95 03	.....	3,750 00
" 6, " ..	Mary McGettrick	1,300 00	2,923 97	76 03	.....	3,000 00
" 9, " ..	Overseers of Poor	14,133 68	13,768 80	364 88	.....	14,133 68
" 9, " ..	Wm. F. Tufts	7,228 72	10,716 02	283 98	.....	11,000 00
" 9, " ..	Barnard Capen	178 50	173 89	4 61	.....	178 50
" 9, " ..	David M. Weston heirs	17,463 14	19,483 68	516 32	.....	20,000 00
" 9, " ..	John Briggs	2,112 20	4,870 92	129 08	.....	5,000 00
" 30, " ..	Eliza McKeon	4,900 00	11,262 13	337 87	.....	11,600 00
Dec. 12, " ..	Francis Malley	3,000 00	5,028 92	186 08	.....	5,215 00
" 19, " ..	Eben D. Jordan	3,012 10	6,454 50	.....	.....	6,454 50
" 19, " ..	Caroline H. Clarke	560 00	770 71	29 29	.....	800 00
" 26, " ..	Dennis A. Reardon	300 00	288 65	11 35	.....	300 00
" 26, " ..	I. B. Patten	754 40	1,482 59	58 27	.....	1,540 86
Jan. 9, 1891..	Elizabeth H. Whitney	6,766 19	10,452 60	433 79	.....	10,886 39
" 16, " ..	G. F. Richardson & G. T. W. Braman, Trs.	737 20	1,593 00	.....	.....	1,593 00
" 16, " ..	G. F. Richardson & G. T. W. Braman, Trs.	10,473 97	19,781 25	.....	.....	19,781 25
" 16, " ..	Thomas Hills, Assignee	1,185 05	2,10930	90 70	.....	2,200 00
" 23, " ..	Charles A. Morss	2,047 68	6,226 05	273 95	.....	6,500 00
" 23, " ..	Edward C. Gifford	311 60	373 08	16 42	.....	389 50

March 13,	" ..	Wm. Finneran	7,434 50	17,110 26	889 74	.....	18,000 00
" 13,	" ..	T. McMahan heirs	1,000 00	2,186 31	113 69	.....	2,300 00
" 20,	" ..	James Cahill	2,400 00	4,557 10	242 90	.....	4,800 00
" 27,	" ..	Andrew F. Quigley	4,400 00	8,003 79	436 21	.....	8,440 00
April 3,	" ..	Peter E. and Bridget Brandley	2,200 00	3,789 67	210 33	.....	4,000 00
" 3,	" ..	Patrick Maney	800 00	2,032 68	112 82	.....	2,145 50
" 10,	" ..	James Coin	600 00	1,419 11	80 89	.....	1,500 00
" 10,	" ..	John Garrity	1,900 00	4,541 15	258 85	.....	4,800 00
" 10,	" ..	Eben Sears, assignee	5,872 80	17,362 81	989 69	.....	18,352 50
" 24,	" ..	Daniel Nyhan	545 40	4,463 64	263 36	.....	4,727 00
" 30,	" ..	Standard Sugar Refinery	1,932 10	2,114 36	126 87	.....	2,241 23
" 30,	" ..	Bernard Lyons	2,100 00	5,188 67	311 33	.....	5,500 00
" 30,	" ..	Margaret Roach	900 00	1,886 79	113 21	.....	2,000 00
May 4,	" ..	John Crane	2,600 00	4,714 75	285 25	.....	5,000 00
" 8,	" ..	Thomas Fahey	1,100 00	3,259 53	200 47	.....	3,460 00
June 5,	" ..	Catherine Nols	400 00	1,125 70	74 30	.....	1,200 00
" 5,	" ..	Patrick and Bridget Dooley	13 65	160 13	10 57	.....	170 70
" 19,	" ..	Frederick H. Rindge	21,200 00	25,000 00	.....	.....	25,000 00
" 23,	" ..	Charles H. Guild	37,700 00	46,972 70	352 30	.....	47,325 00
" 26,	" ..	East Boston Co.	82,300 00	82,300 00	.....	.....	82,300 00
" 26,	" ..	W. B. Bacon and W. P. Blake	41,700 00	50,000 00	.....	.....	50,000 00
July 14,	" ..	Wm. S. Dexter & George Blagden, guardian	18,803 42	23,310 02	1,689 98	.....	25,000 00
Aug. 3,	" ..	C. U. Cotting and F. C. Welch, trustees	1,000 00	1,394 70	105 30	.....	1,500 00
" 12,	" ..	W. B. Stevens & H. W. Sutor, Trs. Maverick Land Co.	500 00	500 00	.....	.....	500 00
Sept. 18,	" ..	Patrick Noonan	600 00	1,662 05	137 95	.....	1,800 00
Oct. 7,	" ..	J. W. Ricker, City Collector	.....	538 02	.....	.....	538 02
" 7,	" ..	Taxes, Guild estate	.....	475 02	.....	.....	475 02
" 7,	" ..	Patrick Fay	1,900 00	4,904 34	421 78	.....	5,326 12
" 7,	" ..	Bridget and Thomas F Burke	1,700 00	4,604 05	395 95	.....	5,000 00
Nov. 7,	" ..	Bartholomew Hickey	1,400 00	3,915 67	356 33	.....	4,272 00
" 12,	" ..	William Gray	1,400 00	3,434 06	315 94	.....	3,750 00

EXHIBIT No. 68. — *Continued.*

Date.	Names.	Assessed value.	Damages.	Interest.	Costs.	Amount paid.
Nov. 12, 1891..	Anna P. Frothingham	$24,500 00	$30,000 00	.....	.....	$30,000 00
Dec. 23, " ..	Patrick Barrett	2 85	864	$0 86	.....	9 50
Jan. 2, 1892..	J. W. Ricker, City Col. taxes, 1891, Rindge est.	.....	269 79	.....	.....	269 79
" 14, " ..	Arthur Finnegan	34 05	102 94	10 56	.....	113 50
Feb. 4, " ..	George Curtis	3,705 00	5,867 11	616 64	$27 78	6,511 53
" 6, " ..	W. Boston Bridge Com'rs	3,030 54	2,074 29	956 25	.....	3,030 54
April 28, " ..	John Devine	3,400 00	8,431 12	1,011 74	22 65	9,465 51
" 28, " ..	John McNally	2,400 00	5,225 87	627 11	32 55	5,885 53
" 29, " ..	Edward N. Perkins	51,100 00	80,000 00	.....	.....	80,000 00
" 29, " ..	F. W. Andrews, E. I. Browne & F. C. Welch, Trs.	10,477 00	10,477 00	.....	.....	10,477 00
May 13, " ..	Hannah Martin	700 00	3,248 85	396 36	.....	3,645 21
July 1, " ..	Henry H. Reuter	7,916 00	29,997 34	3,916 16	88 78	34,002 28
" 18, " ..	Wm. H. Lethbridge	3,479 30	4,442 24	57 76	.....	4,500 00
" 25, " ..	Elizabeth Beckford	46 67	88 48	1 27	.....	89 75
Aug. 1, " ..	Dudley A. Dorr. Ex. will Augustus Russ	1,988 75	1,959 35	29 40	.....	1,988 75
" 1, " ..	Francis D. Perkins & E. C. Perkins, Trs	300 00	500 00	.....	.....	500 00
" 1, " ..	E. I. Browne, Tr.	Not assessed	132 15	17 85	42 58	192 58
" 8, " ..	John Favor & Laban Pratt, Heirs	5,301 69	5,408 66	738 29	.....	6,146 90
" 8, " ..	Wm. Seaver, Devisees	3,548 30	4,918 83	81 17	.....	5,000 00
" 8, " ..	Brainard B. Burbank	300 00	393 50	6 50	.....	400 00
" 22, " ..	Edward C. Coleman	1,035 69	1,196 44	166 31	.....	1,362 75
Sept. 6, " ..	Mary E. Clapp *et al*	42 00	41 13	87	.....	42 00
" 6, " ..	Cecelia C. Gaertner	1,333 66	1,752 84	247 16	.....	2,000 00
" 26, " ..	Margaret Prendergast	2,003 80	1,750 80	253 00	.....	2,003 80
" 26, " ..	Fred'k A. Green, Heirs or Devisees	164 50	160 56	3 94	.....	164 50
Oct. 3, " ..	F. M. Drew, Trs. Maude H. Small	1,700 00	2,072 16	52 84	.....	2,125 00
" 10, " ..	John Mitchell	2,500 00	2,921 12	78 88	.....	3,000 00
" 10, " ..	Annie L. Wilbur	2,500 00	3,488 87	511 13	.....	4,000 00

Nov.	1,	" ..	George D. Welles	1,276 20	1,265 82	34 18	.....	1,300 00
"	3,	" ..	Marshall P. Wilder, Heirs or Devisees	1,094 03	1,459 85	40 15	.....	1,500 00
"	3,	" ..	Wm. S. Stevens	501 00	485 93	15 07	.....	501 00
"	15,	" ..	George H. Spence	24 80	303 69	46 31	.....	350 00
"	15,	" ..	Moses Kimball	874 35	1,162 22	37 78	.....	1,200 00
"	18,	" ..	Caroline E. Skinner	11,800 00	14,000 00	.....	.....	14,000 00
"	18,	" ..	Rebecca C. Trask	1,771 74	2,382 13	78 62	.....	2,460 75
"	21,	" ..	Mary J. Love	200 00	242 71	7 29	.....	250 00
Dec.	6,	" ..	Mary R. Peters	2,000 00	2,500 00	.....	.....	2,500 00
"	1,	" ..	Ella M. McElroy	3,878 42	7,792 20	1,207 80	37 96	9,037 96
"	7,	" ..	Edward S. Winchester	8,900 00	20,302 62	3,167 21	91 41	23,561 24
"	7,	" ..	Andreas Blume, adm'r	131 20	262 43	40 95	28 64	332 02
"	12,	" ..	Robert I. Burbank	900 00	1,084 86	40 14	.....	1,125 00
"	17,	" ..	House of Good Shepherd	8,035 18	16,468 13	2,601 97	.....	19,070 10
"	17,	" ..	Willard Welch	392 50	378 13	14 37	.....	392 50
"	17,	" ..	Richard Clapp, Heirs or Devisees,	1,524 00	1,588 63	60 37	.....	1,649 00
"	21,	" ..	Daniel and Bridget Lynch	3,100 00	3,610 97	139 03	.....	3,750 00
"	21,	" ..	Bridget Lynch	2,700 00	3,129 51	120 49	.....	3,250 00
"	24,	" ..	Anna L. Wilber, taxes 1892	.....	20 64	.....	.....	20 64
Jan.	9,	1893..	Jam. Pond, Aqueduct Corp.	33,800 00	50,000 00	133 14	.....	50,133 14
"	31,	" ..	A. M. Stetson	2,550 10	4,291 84	708 16	27 22	5,027 22
Feb.	6,	" ..	Thomas Hills	1,300 00	1,300 00	.....	.....	1,300 00
"	10,	" ..	Eunice C. McDonald	1,800 00	2,865 32	134 68	.....	3,000 00
"	10,	" ..	Martin Murphy	398 34	477 55	22 45	.....	500 00
"	10,	" ..	Frances D. and Edw. C. Perkins, trs.	1,164 00	5,788 12	30 68	.....	5,818 80
"	15,	" ..	Rebecca M. Riley	1,700 00	2,146 94	103 06	.....	2,250 00
"	16,	" ..	Annie I. Coe	924 60	4,212 95	716 10	65 97	4,995 02
"	21,	" ..	James McEachran	1,800 00	2,576 33	123 67	.....	2,700 00
"	24,	" ..	S. L. Thorndike, C. G. Gardiner and E. A. Perkins, Trs.	160 00	792 47	7 93	.....	800 40
"	25,	" ..	Jeremiah Donovan	900 00	3,250 64	549 36	27 92	3,827 72
"	27,	" ..	C. A. Alexander	360 00	428 57	21 43	.....	450 00

EXHIBIT No. 68. — *Continued.*

Date.	NAMES.	Assessed value.	Damages.	Interest.	Cost.	Amount paid.
Feb. 15, 1893..	A. C. Richmond, *et als.*	$5,100 00	$11,490 80	$1,924 71	$66 80	$13,482 31
March 1, " ..	Lewis May and Ewald Fleitman	4,485 00	15,006 91	750 35	119 48	15,876 74
" 13, " ..	Anthony Hankey	12,764 00	14,931 74	2,568 26	.....	17,500 00
" 14, " ..	Boston Yacht Club	5,250 50	4,264 39	735 61	.....	5,000 00
" 20, " ..	Quincy A. and Pauline A. Shaw	2,268 00	10,453 64	146 36	.....	10,600 00
" 20, " ..	Henry T. Bowers	1,044 45	1,661 13	88 87	.....	1,750 00
" 24, " ..	C. T. Gallagher, adm'r.	6,300 00	14,505 11	2,494 89	23 64	17,023 60
" 25, " ..	Mary C. Haskins	1,400 00	1,767 46	307 54	27 39	2,102 39
" 30, " ..	J. A. and W. A. Tucker	1,041 75	1,436 78	74 72	.....	1,511 50
April 1, " ..	George H. Burt	27 52	23 42	4 10	.....	27 52
April 7, 1893..	J. P. Howe *et als.*	1,453 47	1,893 04	106 96	.....	2,000 00
" 7, " ..	Mary D. Bodwell	2,300 00	2,934 21	165 79	.....	3,100 00
" 1, " ..	P. H. Carroll	945 66	944 71	165 33	23 64	1,133 68
" 13, " ..	Johanna McEachran	2,400 00	2,649 00	151 00	.....	2,800 00
" 10, " ..	Aeneas McEachran	400 00	851 46	48 54	.....	900 00
" 17, " ..	Josephine H. Bullard	142 33	120 82	21 51	.....	142 33
" " " ..	James M. Smith	4,200 00	8,488 96	1,511 04	.....	10,000 00
" 19, " ..	Franklin Smith *et als.* Trs.	258 00	218 23	12 77	.....	231 00
" 20, " ..	Wm. H. Hart	14,600 00	47,979 63	8,564 37	29 05	56,573 05
May 1, " ..	Franklin King	153 00	144 34	8 66	.....	153 00
" 1, " ..	Annie T. Cushing *et als.*	435 00	435 84	26 16	.....	462 00
" 1, " ..	A. E. Leach *et als.*	5,530 36	10,377 35	622 65	.....	11,000 00
" 2, " ..	Amanda A. Bearse & G. C. Tobey	493 30	1,415 09	84 91	.....	1,500 00
" 2, " ..	Mary C. Moseley *et als*	1,065 39	1,415 09	84 91	.....	1,500 00
" 2, " ..	Reuben Marsh	3,600 00	4,245 28	254 72	.....	4,500 00
June 2, " ..	Mary T. & Alice W. Palmer	10,011 92	16,870 51	3,129 49	.....	20,000 00
" 7, " ..	Aeneas McEachran	700 00	1,233 94	82 06	.....	1,316 00
" 19, " ..	Thomas W. Carter	3,520 00	5,147 40	352 60	.....	5,500 00

July 26,	" ..	Amos D. Gould	11,592 00	22,593 97	451 88	.....	23,045 85
" 27,	" ..	Frank Lentine & Annie M. Burns	(Lease)	3,000 00	.....	.....	3,000 00
Aug. 7,	" ..	C. T. Gallagher, Eliza P. Mills & Isabel G. Burnham	*59,900 00	74,314 90	5,685 10	.....	80,000 00
" 7,	" ..	John W. Horne	17,032 00	32,127 11	706 80	.....	32,833 91
" 7,	" ..	Matilda F. Horne	3,895 00	7,787 85	171 34	.....	7,959 19
Sept. 6,	" ..	Robert Turner	336 40	324 67	25 33	.....	350 00
Oct. 17,	" ..	S. & A. B. Bradstreet	1,738 20	4,677 88	397 66	.....	5,075 54
" 17,	" ..	E. H. Bowmen, includ'g damage to bldg.	1,934 65	2,309 91	77 39	.....	2,387 30
" 17,	" ..	John Martin	2,000 00	5,380 79	1,119 21	.....	6,500 00
July 13,	" ..	Gilbert Waite, Heirs or Devisees	69 00	64 33	4 67	.....	69 00
Nov. 11,	" ..	Wm. H. Badlam *et als.*	13,486 00	27,239 86	3,881 69	25 58	31,147 13
" 16,	" ..	Thomas Heywood	900 60	1,555 35	144 65	.....	1,700 00
Dec. 5,	" ..	Emily E. Shepard	407 70	1,084 01	104 07	.....	1,188 08
Jan. 8,	1894..	F. J. Ward *et als.*	19,483 25	40,909 09	4,090 91	.....	45,000 00
" 18,	" ..	Jamaica Pond Ice Co.	34,300 00	90,661 83	9,338 17	1,866 35	101,866 35
Jan. 18,	" ..	Jamaica Pond Ice Company	25,000 00	81,062 03	5,187 97	.....	86,250 00
" 20,	" ..	J. D. Cameron	660 00	689 80	71 75	.....	761 55
Feb. 5,	" ..	H. B. Sargent, jr., *et als*	4,319 00	10,076 50	520 62	.....	10,597 12
" 27,	" ..	Eben Murray	3,342 00	5,995 41	659 50	67 46	†6,272 37
" "	" ..	Martin E. Downey	4,500 00	8,260 46	908 65	69 66	‡7,338 77
March 2,	" ..	N. B. Prescott *et als*	6,000 00	14,509 18	1,598 67	55 66	16,163 51
" 7,	" ..	E. M. Brewer *et als*	18,279 00	32,142 58	3,734 97	98 46	35,976 01
" 29,	" ..	James L. Gorham	12,705 00	27,459 40	2,429 43	175 79	30,064 62
" "	" ..	Ann M. Spaulding	9,592 00	17,542 76	1,945 90	•190 69	19,679 35
April 10,	" ..	Helen M. Tucker	105 00	455 43	51 92	.....	507 35
" 26,	" ..	Theresa May	3,608 00	4,533 64	544 04	26 89	5,104 57
May 29,	" ..	Joseph Ham	39 00	35 49	4 26	.....	39 75
" 8,	" ..	J. W. Gerard *et als*	909 00	1,639 27	185 73	40 97	1,865 97
" 8,	" ..	J. G. Floyd *et als*	17,528 00	26,946 91	3,053 09	.....	30,000 00
" 16,	" ..	Lewis G. Lamb	146 00	129 20	16 80	.....	146 00
" 24,	" ..	Agnes L., Mary A. and Peter H. Lobrorich	4,400 00	6,423 36	176 64	.....	6,600 00

EXHIBIT No. 68. — *Continued.*

Date.	Names.	Assessed value.	Damages.	Interest.	Cost.	Amount paid.
May 24, 1894..	Mary A. Doherty	$2,100 00	$3,065 69	$84 31	.....	$3,150 00
" 25, " ..	Assunta Barretta	2,000 00	2,968 37	81 63	.....	3,050 00
" 28, " ..	Vincenzo and Anna De Giralomo	2,000 00	3,309 00	91 00	.....	3,400 00
" 31, " ..	John B. Johnson	3,400 00	5,255 47	144 53	.....	5,400 00
" " " ..	Joseph L. Bergman	1,500 00	2,285 32	64 68	.....	2,350 00
June 5, " ..	D. and M. T. Agrippino	1,900 00	3,211 68	88 32	.....	3,300 00
" 2, " ..	Annie O'Donnell	2,040 00	4,745 34	593 17	$92 77	5,431 28
" 6, " ..	Charles B. Amory	1,323 00	4,537 93	397 07	.....	4,935 00
" 8, " ..	Jacob Edwards	11,120 00	25,677 84	6,332 16	29 03	32,039 03
" 11, " ..	Ella C. Adams	4,690 00	12,884 22	1,115 78	.....	14,000 00
" 12, " ..	Frances H. Downes	269 00	619 70	52 68	.....	672 38
" 13, " ..	Margaret A. O'Connell	4,400 00	6,116 50	183 50	.....	6,300 00
" " " ..	George S. Curtis	17,494 00	50,628 96	4,470 54	26 73	55,126 23
" 29, " ..	Thomas Reynolds	159 00	511 39	126 11	.....	637 50
" 21, " ..	Grace Stevenson	4,400 00	16,541 44	4,107 25	.....	20,648 69
" " " ..	Charles F. Curtis	4,398 00	12,617 30	1,135 56	26 73	13,779 59
" 26, " ..	R. and Ellen M. Dorey	3,900 00	6,295 40	204 60	.....	6,500 00
July 3, " ..	John L. Dearborn *et als*	12,523 00	25,056 00	6,264 00	28 70	31,348 70
" 9, " ..	Edward M. Smith	3,404 00	8,891 76	814 49	.....	9,706 25
" 9, " ..	A. Bigelow, Trs	578 00	2,119 45	194 15	.....	2,313 60
" 10, " ..	C. F. Farrington	2,520 00	6,485 89	594 11	.....	7,080 00
" " " ..	Robert M. Morse	21,900 00	85,262 84	7,886 82	160 31	93,309 97
" 19, " ..	Abby A. Barry	4,400 00	7,476 04	248 96	.....	7,725 00
" 26, " ..	Elizabeth G. Tripp, Ex.	948 00	1,406 21	150 00	.....	1,556 21
" 31, " ..	William H. Homes	648 00	§ 156 63	20 37	.....	177 00
" 27, " ..	Frank A. Ruggles *et al*	60	87 71	12 29	.....	100 00
Aug. 3, " ..	Boston Gas Light Co.	23,117 00	36,786 66	1,453 08	.....	38,239 74
Sept. 24, " ..	T. King, Tr., *et als*	5,600 00	14,000 00	.....	.....	14,000 00

Sept. 24, " ..	H. B. Goodenough	2,400 00	7,000 00	.....	.....	7,000 00
Oct. 8, " ..	P. F. McDonald	10,752 00	26,246 71	3,753 29	.....	30,000 00
" 8, " ..	Jer. Brown heirs *et al.*	1,762 00	2,368 73	631 27	.....	3,000 00
" 8, " ..	T. Hills & Ed. B. Hayden	428 00	473 75	126 25	.....	600 00
Nov. 19, " ..	John E. Sheran	2,500 00	3,900 00	222 83	.....	4,132 00
" 24, " ..	N. F. Tufts & Annie H., Ex. Will A. W. Tufts	71,500 00	83,844 91	17,817 05	.....	101,661 96
Dec. 5, " ..	A. F. Sortwell	70,947 00	97,641 50	5,858 50	.....	103,500 00
" 14, " ..	Christopher Leonard	400 00	565 50	34 50	.....	600 00
" 24, " ..	Eugene A. Mutel	17 70	15 27	2 43	.....	17 70
		$1,318,782 35	$2,222,566 51			$2,405,835 58

The total damages without interest or costs is 73 $\frac{56}{100}$% more than the valuation.
* This valuation includes the whole of the wharf property, for the practical destruction of which damages were allowed.
† $450 deducted for house.
‡ $1,900 deducted for house.
§ In some cases, as in that of William H. Homes, betterments were assumed as a part of the consideration.

EXHIBIT No. 68. — *Continued.*

Date.	Names.	Assessed value.	Damages.	Interest..	Cost.	Amount paid.
Jan. 3, 1895..	Moses Williams *et al.* tr	$7,972 00	$15,490 00	.....	.....	$15,490 00
" " " ..	Mary A. Clark *et al.*	4,308 00	23,073 66	3,728 13	95 80	26,897 59
" 10, " ..	Augustus Parker }	21 00	.....	.....	38 31	38 31
" " " ..	Mary E. Parker }		.....	.....	38 31	38 31
" 4, " ..	G. A. Nickerson and Josephine Cox, trs	41,058 00	82,112 06	23,601 72	293 62	106,007 40
" 15, " ..	N. F. Tufts and Annie H. Tufts, trs	.....	19,113 87	4,224 17	30 29	23,368 33
" " " ..	J. J. Donnelly and W. J. Emerson	1,384 00	3,184 13	507 87	26 77	3,718 77
" 22, " ..	Cheever Newhall	956 00	4,308 48	691 52	.....	5,000 00
" 28, " ..	F. V. Balch and G. A. Seaverns	12,670 00	17,021 87	2,808 61	100 00	19,930 48
Feb. 12, " ..	Sarah M. Pratt	1,355 00	1,331 69	23 31	.....	1,355 00
March 7, " ..	L. J. Veazie	412 50	1,598 80	275 80	.....	1,902 65
May 3, " ..	Boston Catholic Cemetery Ass'n	1,565 80	2,497 66	443 34	.....	2,969 79
" 21, " ..	Suffolk Savings Bank	14,565 00	23,438 82	4,336 18	.....	27,775 00
" " " ..	S. & A. B. Bradstreet	.....	17,489 45	3,235 55	.....	20,725 00
" 25, " ..	N. G. Manson, adm'r	16,438 00	44,913 10	8,308 92	.....	55,630 02
June 25, " ..	Jacob W. Seaver	24,145 20	6,056 75	1,150 78	.....	7,235 58
" " " ..	" " *et al.*	.....	47,178 92	8,964 00	.....	56,170 97
" 29, " ..	Chas. P. Bowditch *et al*	21,000 00	42,909 88	6,436 48	.....	49,496 36
" " " ..	Clarissa and Clara Pierce	9,258 00	17,081 56	3,245 50	.....	20,477 06
" " " ..	Edward H. K. Lyman, tr	10,357 00	16,945 85	3,220 29	.....	20,319 14
Nov. 16, " ..	John C. Haynes	155,100 00	189,878 43	22,310 72	.....	212,339 15
" 30, " ..	H. W. Baxter, jr., *et al.*, tr	7,137 00	20,618 55	4,381 45	.....	25,078 71
Dec. 2, " ..	Sarah A. Nixon	564 39	1,152 26	247 74	.....	1,400 00
		$330,266 89	$597,395 79	.....	.....	$703,363 62

EXHIBIT No. 68. — *Continued.*

Date.	NAMES.	Assessed value.	Damages.	Interest.	Cost.	Amount paid.
Jan. 21, 1896..	Albert K. Teele, Tr.	$12,494 82	$24,877 70	$6,841 37	.....	$31,838 84
" 23, " ..	John D. Bryant *et al.*	7,745 50	16,986 12	3,821 88	.....	20,833 29
March 31, " ..	T. N. Hart, D. Braman, Trs. Brookline Land Co	577 50	6,642 07	2,357 93	$53 07	9,053 07
April 2, " ..	Alice Williams	469 00	1,694 91	305 09	22 32	2,022 32
" 2, " ..	Benjamin C. Clark	4,110 00	23,728 81	4,271 19	22 32	28,022 32
" 2, " ..	Alice Williams *et al.*	25,865 00	53,389 83	9,610 17	22 32	63,022 32
" 18, " ..	Louise Duplaine	314 70	2,177 42	522 58	46 97	2,746 97
" 27, " ..	Benj. H. Goldsmith *et al.*	6,012 00	15,596 33	1,403 67	27 39	17,027 39
June 25, " ..	Fiske Wharf and Warehouse Co.	.....	9,783 55	1,516 45	27 39	11,327 39
March 16, 1897..	Ellen D. Raymond	2,000 00	4,000 00	.....	.....	4,000 00
" 2, " ..	Lottie E. Brown	100 00	98 52	1 48	.....	100 00
April 13, " ..	Wm. E. C. Swan	300 00	817 16	16 34	.....	833 50
July 4, " ..	George Grant	.....	2,094 24	905 76	.....	3,000 00
" 15, " ..	Dexter A. Hall	2,952 51	17,452 00	7,548 00	.....	25,000 00
" 19, " ..	Hannah Barry	1,800 00	3,000 00	.....	.....	3,000 00
" " " ..	John McWeeny	2,500 00	4,100 00	.....	.....	4,100 00
" " " ..	Charles N. Fairbairn	500 00	900 00	.....	.....	900 00
" " " ..	Owen Sullivan	500 00	850 00	.....	.....	850 00
" " " ..	Patrick Garrity	1,300 00	2,000 00	.....	.....	2,000 00
Aug. 20, " ..	B. & M. R.R. Co.	72,500 00	50,000 00	.....	.....	50,000 00
Sept. 1, " ..	Margaret Finnerty	1,500 00	3,350 00	.....	.....	3,350 00
" 10, " ..	Michele & Filomena Pozzo	2,600 00	4,226 04	73 96	.....	4,300 00
" " " ..	Vito A. Lespasio	9,400 00	18,718 37	327 57	.....	19,045 95
" " " ..	Joseph L. Bergman	.....	294 85	5 15	.....	300 00
Oct. 11, " ..	Chas. W. Bates	11,600 00	22,004 89	495 11	.....	22,500 00
Nov. 8, " ..	Trs. Gibson Sc. Fund	75,200 00	37,500 00	.....	.....	37,500 00

EXHIBIT No. 68. — *Continued.*

Date.	Names.	Assessed value.	Damages.	Interest.	Cost.	Amount paid.
Nov. 17, 1897..	Herbert E. Wheat	$5,100 00	$9,878 64	$296 36	.....	$10,175 00
Dec. 7, " ..	David F. Tilley	8,700 00	15,205 81	494 19	.....	15,700 00
" 7, " ..	Ellen Gallagher	2,900 00	6,295 40	204 60	.....	6,500 00
" 7, " ..	Joseph McCabe	2,300 00	4,818 40	156 60	.....	4,975 00
" 16, " ..	Thomas L. Jenks	6,000 00	14,009 66	490 34	.....	14,500 00
Jan. 24, 1898..	Dudley A. Dorr, Tr.	30,800 00	55,903 61	2,096 39	.....	58,000 00
" 27, " ..	Horace W. Jordan	279 00	1,094 89	405 11	$30 36	1,530 36
Mch. 15, " ..	Boston Yacht Club	5,250 00	3,056 03	1,443 97	.....	4,500 00
May 14, " ..	Margaret J. McLaney	1,500 00	3,613 00	207 74	.....	3,820 74
" 17, " ..	David Flynn	3,300 00	7,562 88	453 78	.....	8,016 66
June 28, " ..	Eliza B. MacQuarrie	6,000 00	11,549 30	750 70	25 40	12,325 40
" 30, " ..	Herbert E. Wheat	2,000 00	6,338 03	411 97	16 41	6,766 41
" 2, " ..	Thomas E. Moseley	1,600 00	1,509 43	90 57	.....	1,600 00
Aug. 27, " ..	Catherine F. Hickey	700 00	2,388 18	137 32	.....	2,525 50
Dec. 15, " ..	Sarah E. Pratt	800 00	5,776 59	693 20	26 73	6,496 52
Jan. 24, 1899..	Frederick J. Stark	300 00	1,862 52	237 48	.....	2,100 00
" " " ..	James H. Stark	100 00	295 78	37 72	.....	333 50
Feb. 3, " ..	Henry B. Blackwell	1,600 00	4,762 75	607 25	.....	5,370 00
" 3, " ..	Francis L. Willard	1,300 00	4,513 36	575 46	46 25	5,135 07
Mch. 10, " ..	Ellen E. Willard, Ex.	300 00	1,494 53	201 77	44 50	1,740 80
June 8, " ..	James H. Stark	12,500 00	15,758 00	.....	.....	15,758 00
" 8, " ..	Edgar D. Evans *et al.*	16,900 00	15,469 00	.....	.....	15,469 00
" 8, " ..	Frances V. Willard *et al.*	13,900 00	14,956 00	.....	.....	14,956 00
" 8, " ..	Henry D. Williams *et al.*	13,200 00	8,099 50	.....	.....	8,099 50
" 8, " ..	Edgar D. Evans *et al.*		8,099 50	.....	.....	8,099 50
" 13, " ..	H. B. Crandall	200 00	1,000 00	150 00	.....	1,150 00
Aug. 9, " ..	John J. Coleman *et al.*	11,335 40	39,646 16	6,343 39	82 68	46,072 23
Oct. 13, " ..	Alonzo F. Bennet	2,737 50	4,939 70	691 55	38 28	5,669 53

Nov. 10, " ..	Caroline H. Clarke	1,518 00	4,385 96	614 04	.....	5,000 00
" " " ..	Thomas F. Galvin	16,270 30	32,541 60	.....	.....	32,541 60
" " " ..	Sarah L. West	4,080 60	9,639 80	.....	.....	9,639 80
" " " ..	Frances E. Munroe	3,344 85	8,429 60	.....	.....	8,429 60
" " " ..	Theodore B. Munroe	2,107 75	6,744 80	.....	.....	6,744 80
" " " ..	Theodore Munroe	189 90	337 60	.....	.....	337 60
Dec. 16, " ..	Isabella G. Burnham	11,875 00	13,043 48	1,956 52	26 39	15,026 39
Jan. 1, 1900 ..	West End St. R'y Co	88,000 00	105,073 39	.....	.....	105,073 39
" 1, " ..	Dev. William J. Rotch	76,900 00	80,659 78	.....	.....	80,659 78
" 1, " ..	Annie M. Pollard	12,500 00	9,652 43	.....	.....	9,652 43
" 1, " ..	Mrs. Isaac N. Tucker		9,652 43	.....	.....	9,652 43
" 1, " ..	Mrs. John Pearce	11,287 00	16,571 36	.....	.....	16,571 36
" 1, " ..	Edward Orchard, *et al.*	4,800 00	8,118 75	.....	.....	8,118 75
" 8, " ..	Mrs. William Worthington	3,863 00	26,514 15	.....	.....	26,514 15
" 20, " ..	Samuel G. King Ex	7,300 00	19,006 48	2,993 52	28 72	22,028 72
" 20, " ..	" " *et al*	3,600 00	9,071 27	1,428 73	27 72	10,527 72
		$621,339 51	$955,619 34	.....	.....	$967,901 47

Summary.

	Assessed Value.	Damages.	Amount Paid.	Excess of Damages over Assessed Value.
1877–1884	$1,387,588 50	$1,646,629 67	$1,665,006 74	$18\frac{2}{3}$%
1885–1889	591,776 39	996,568 65	1,165,023 85	$66\frac{2}{3}$%
1890–1894	1,318,782 35	2,222,566 51	2,405,835 58	$68\frac{53}{100}$
1895	330,266 89	597,395 79	703,363 62	$80\frac{88}{100}$
1896–1899	621,139 51	955,619 34	967,901 47	$53\frac{84}{100}$
	$4,249,553 64	$6,418,779 96	$6,907,131 26	51.04%

EXHIBIT No. 69.

COMPARISON OF ASSESSED VALUATION OF PLAYGROUNDS, AMOUNTS PAID FOR SAME, ETC.

NAME.	Date of Taking.	Amount.	Assessors' Valuation.	Amount paid for Land.	Amount paid for Construction.	Total.
Charlesbank	1883	10 acres	$293,105 04	$373,916 99	$308,481 53	$682,398 52
Charlestown Playground	1891	14 " land 4 " flats	109,200 00	172,923 31	9,680 08	182,603 39
Charlestown Heights	1891	4 " land 6 " flats	41,700 00	50,538 02	101,329 73	151,867 75
Franklin Field	1892	77 " land	60,100 64	157,341 22	80,887 20	238,228 42
North End Beach and Copp's Hill Terrace	1893	3 " " 4 " flats	280,447 50	419,222 63	199,161 67	618,384 30
North Brighton Playground	1894	14 " land	8,000 00	22,107 12	4,344 57	26,451 69
Totals			$792,553 18	$1,196,049 29	$703,884 78	$1,899,934 07
Neponset Playground	1896	18 acres land	$5,000 00	$24,804 39	$9,500 00	$34,304 39
Billings Field "	1896	11 " "	11,335 40	47,068 98	6,500 00	53,568 98
North End "	1897	11,384 sq. ft.	61,400 00	131,458 16		131,458 16
Mystic "	1897	2.3 acres land	72,500 00	50,125 00	840 35	50,965 35
Fellows-street "	1897	36,955 sq. ft.	8,100 00	14,503 72	1,106 71	15,610 43
Christopher Gibson "	1897	5.8 acres	75,200 00	37,709 58	3,919 55	41,629 13
* Columbus avenue "	1899	2 " land	56,500 00	62,876 14		62,876 14
* " " "	1900	2.8 " "	177,400 00	205,438 34		205,438 34
* Ashmont "	1899	2.2 " "		87 18		87 18
* Savin Hill "	1899	6 " " 12.6 " flats	3,863 00	26,845 40		26,845 40
* Roslindale "	1899	3.7 " land	16,087 00	24,825 11		24,825 11
* Forest Hills "	1900	10.3 " "		147 75		147 75
Totals			$487,385 40	$625,889 75	$21,866 61	$647,756 36

LAND ACCOUNT, BROUGHT DOWN.

	Assessors' Valuation.	Amount Paid.		Excess of amount paid over assessed value.
Amount expended from 1883 to 1896	$792,553 18	$1,196,049 29	.....	$50\frac{9}{10}\%$
" " " 1896 to 1900	487,385 00	625,889 75	.....	$28\frac{4}{10}\%$
	$1,279,938 18	$1,821,939 04	.....	$42\frac{3}{10}\%$

* Taken under Statutes, 1898, Chap. 412, and 1899, Chap. 279.

EXHIBIT No. 69A.

(PETITION FOR PLAYGROUND IN WARD 18.)

We the subscribers, Citizens of the city of Boston, respectfully represent that there is great need of a Public Playground for the use of the children of the District in and about Ward 18; that the only adequate parcel of land remaining in the neighborhood, that can be used for such a purpose, is being subdivided by its owners for the purpose of immediate sale and improvement, therefore they deem this to be the proper time to urge upon the City Authorities that so much of the premises shown upon the accompanying plan to be taken for that purpose, agreeably to the provisions of law in such cases made and provided, as may be deemed expedient.

Benj. F. S. Bullard,	No. 1 Sumner Pl.
Geo. Richards,	14 Auburn St.
James Cameron,	1 St. Catherine St.
A. B. Stewart,	20½ St. James St.
James H. Lowney,	119 Ruggles St.
John Tileston,	1433 Tremont St.
Charles J. Reilly,	71 Williams St.
Albert F. Baldwin,	11 Mechanic St.
George Baker,	10 Sarsfield St.
Chas. L. Evans,	38 Mechanic St.
Francis H. Donahue,	24 Kent St.
Frank A. Meleady,	28 Hampshire St.
Chas. F. Pidgeon,	257 Ruggles St.
David F. Hogan,	6 Weston Pl.
William J. Mulcahy,	3 Kenney St.
John J. Nugent,	1003 Columbus Av.
S. J. Gordon,	1195 Tremont St.
G. W. Simonds,	1182 Tremont St.
George H. Stock,	40 Kent St.
Chas. E. Stock,	40 Kent St.
Louis J. Grottendeck,	39 Lamont St.
Austin P. Faunce,	2 Rochdale St.
James F. Hayde,	12 Greenleaf St.
William M. Waul,	15 Sarsfield St.
W. E. Soley,	97 Warwick St.
Daniel P. Danehy,	64 Northfield St., Rox.
Daniel F. Sullivan,	2 Elmwood Ct., Rox.
Thomas Lloyd,	40 Northfield St.
Wm. F. Goodwin,	127 Warwick St.
Fred Rieger,	10 Field St.
L. E. Fregean,	1037 Tremont St.
George J. G. Doherty,	123 Warwick St.
Joseph L. Marmaud,	28 Lamont St.

Charles Rieger,	10 Field St.
Fred J. Steele,	8 Lamont St.
Michael J. Gillis,	42 Longwood Ave.
A. Senfert,	604 Parker St.
Wm. H. Graves,	20 Auburn St.
John Kitson,	1 Elmwood Ct.
John H. Connington,	133 St. Alphonsus St.
Alexander Nicholson,	72 Cabot St.

BOSTON, January 7th, 1899.

TO THE PARK COMMISSIONERS OF THE CITY OF BOSTON:

GENTLEMEN, — At a meeting of the Board of Management of the People's Institute of Roxbury, held January 6th, 1899, the following resolution was passed:

Resolved, That it is the opinion and desire of the People's Institute of Roxbury, representing one thousand workingmen, that the Park Commissioners of the City of Boston acquire the land bounded westerly by the Boston Baseball grounds, northerly by the Boston & Providence Railroad and the United States Cordage Co., easterly by the West End Railroad and others, and southerly by the Rotch heirs, for a Public Playground. Said land is situated near the corner of Camden st. and Columbu-ave., in Ward 18, according to a plan hereto annexed."

Board of Management of the People's Institute,

By JAMES CAMERON, *Secretary*.

BOSTON, Jan. 13, 1899.

CHARLES E. STRATTON, ESQ., PINE BANK, JAMAICA WAY:

DEAR MR. STRATTON, — I want to go on record as endorsing most fully the proposition for the purchase of the tract of land joining the South End Baseball Grounds for use as a playground for the people of the city. You already know from your personal meeting with the members of the People's Institute the opinion of the working people of that district. I cannot urge too strongly the interest and wisdom of providing such a playground in this district, and we all feel sure that at least from you we will receive every possible help in securing this much desired object.

With the wish that this plan may be consummated, believe me,

Yours faithfully,

EDMUND BILLINGS.

BOSTON, February 7, 1899.

TO THE PARK COMMISSIONERS OF THE CITY OF BOSTON:

The subscribers, citizens of Boston, respectfully recommend the laying out of a playground at the South End sufficiently large to be adapted for football and other games, and would suggest that the estate shown on the accompanying drawing appears to be every was suitable for the purpose.

John R. Hague,	Asst. Pas. Ruggles St. Bapt. Church.
J. L. Harbour,	201 Columbus avenue.
James A. Wilson,	Clerk Ruggles St. Baptist Church,
William P. Houston,	1016 Tremont St.
Benjamin N. Upham,	5 Mt. Bowdoin terrace.
O. H. Drisko,	55 Dale St.
J. A. Crome,	13 Waybon St.
S. Somerby,	12 Thornton St.
J. R. Williams,	101 Highland St.
G. W. Horne,	31 Lambert St., Roxbury.
Ethan A. Miner,	1196 Tremont St.
Robie Freeman,	695 Washington St, Dorchester.
Everett D. Burr,	Pastor Ruggles St. Baptist Church.
Charles E. Eaton,	Supt. Employment Bureau Ruggles St. Church.
Horace G. Wellington,	Visitor Ruggles Street Church.

BOSTON, February 7, 1899.

TO THE PARK COMMISSIONERS:

The subscribers, Citizens of Boston, respectfully recommend the laying out of a playground in Roxbury, sufficiently large to be adapted for foot ball and other games and would suggest that the estate shown on the accompanying drawing appears to be every way suitable for the purpose.

Timothy Carey,	750 Parker St.
Michael Carey,	10 Simmons St.
Ernest Kitson,	9 Elmwood Ct., Roxbury.
Edward A. O'Brien,	6 Nason Pl.
Joseph Doherty,	43 Weston St.
John J. Hill,	68 Hampshire St.
John Murphy,	66 Longwood Ave.
Edward McTigh,	3 Alton Pl.
Hugh Flynn,	1511 Tremont St.
Henry Cleary,	1017 Columbus Ave.
Patrick J. Gallagher,	1 Elmwood Pl.
Michael Kelly,	1 Conant Pl.
Andrew McCluskey,	1511 Tremont St.
James McCluskey,	1511 Tremont St.
Patrick Levey,	20 Mansaur St.
Michael Levey,	135 Minden St.
Dennis Conlin,	11 Kent St.
William Conkey,	719 Parker St.
William B. McNeil,	15 Highland Park Ave.
Henry G. Muller,	13 Leon St., Roxbury.

John G. Ditther,	69 Mozarth St.
Ernest Moog,	17 Washington Pl.
Robert Dolan,	6 Faxon St.
Wm. Pottle,	9 Kent St., Roxbury.
Hollis O. Thomas,	63 Linden Park St.
Joseph Brennan,	1183 Tremont St.
Wm. Herford,	2 Dudley St.
James Kitson,	9 Elmwood Ct.
James M. O'Brien,	16 Texas.
Jeremiah F. Mahoney,	2 Hampshire Court.
Eugene Daily,	46 Terrace St.
Richard Lynch,	259 Ruggles St.
Peter Frecey,	177 Cabot St.
Thomas Horan,	12 Newark St.
Daniel O'Brien,	1183 Tremont St.
Richard J. Boyle,	28 Mindora, Roxbury.
Michael Hannon,	16 Beckford Ave.
James Collins,	135 Minden St.
James Heavy,	20 Mansauer St.
Patrick Collins,	119 Heath St.
Patrick Kelly,	4 Beckford St.
Bernard Fitzsimmons,	5 Ashly St.
William Hacket,	217 Heath St.
Rufus Brown,	750 Parker St.
Lewis W. Donald,	754 Parker St.

EXHIBIT No. 69 B.

TO THE PARK COMMISSIONERS:

The undersigned pupils of the Dorchester High School respectfully request of your honorable body that a tract of land in Dorchester, lying between Centre street and Welles avenue, and between Carlyle and Melbourne streets be purchased to be used as a playground. They would represent that its nearness to the new Dorchester High School building and the fact that the school will have no playground, will make this lot of land very convenient as an athletic field.

John Curran,	A. D. Pratt, 1899,
James Roster,	Lyman Abbott, June 12, 1899,
Jos. Craddock,	Wm. E. Baker,
Charles C. Lowell,	A. Blumenthal,
Willis Parker,	G. E. Smith,
John W. Thompson,	John Glynn,
A. F. Wigley,	E. G. Chamberlain,
Rollin Fisher,	Herman G. Patt,
J. Curran,	Harold P. Whitcomb,
George H. Rohrer,	Vernon J. Vaye,
Sidney A. Storer,	Joseph Whalen,
Joseph T. Zotto,	Lester M. Corey,
Wm. H. Shuttleworth,	F. P. O'Connell,
H. G. Fisher,	Arthur L. Young.
C. R. Lincoln,	

TO THE HONORABLE BOARD OF PARK COMMISSIONERS:

GENTLEMEN, — We, the undersigned, tax-payers and residents of Dorchester (Ashmont District), respectfully petition your Honorable Board to locate a playground within the following boundaries, to wit: — Ashmont, Washington, Centre streets and Dorchester avenue.

NAME.	RESIDENCE.
John H. Wilson,	1822 Dorchester ave.
Geo. A. Holden,	1830 Dorchester ave.
E. P. Dunn,	14 Edwin st.
Geo. L. Perkins,	1854 Dorchester ave.
James W. Hawkes,	42 Templeton st.
Thomas Sullivan,	1856 Dorchester ave.
Arthur W. Crane,	1859 Dorchester ave.
Daniel Halloran,	1859 Dorchester ave.
W. Sherwood,	Welles ave.
W. H. Fogg,	41 Dracut st.
Albert Fellows,	1872 Dorchester ave.
S. F. Ridlee,	1884 Dorchester ave.
C. E. Weymouth,	565 Talbot ave.
C. F. Kittredge,	785 Ashmont st.
C. C. Hamlin,	15 Rowena st.
Chas. W. Stiles,	17 Rowena st.
Geo. H. Hibbard,	19 Rowena st.
Joseph D. Snell,	23 Rowena st.
Thos. H. Brackett,	35 Bushnell st.
W. W. Bixby,	43 Bushnell st.
H. S. Wheelock,	13 Beale st.
John A. Kidney,	1 Randolph terrace.
Louise Robinson,	3 Randolph terrace.
Sarah T. Whitmarsh,	3 Randolph terrace.
Mrs. C. L. T. Stedman,	3 Randolph terrace.
M. C. Hallett,	4 Randolph terrace.
Frank L. Wheeler,	18 Van Winkle st.
H. T. Smith,	15 Beale st.
W. W. Raymond,	19 Beale st.
Floyd C. Coon,	18 Beale st.
J. W. Olmsted,	6 Lombard st.
John J. Kidney,	1 Randolph terrace.
Jennie L. Turner,	13 Alban st.
Edward T. Twitchell,	25 Alban st.
Robt. Campbell, Jr.,	35 Alban st.
F. A. Wyman,	53 Alban st.
E. W. Furbush,	65 Alban st.
Edmund C. Tarbell,	24 Alban st.
C. L. Birch,	94 Ashmont st.
Julius Pratt,	250 Ashmont st.
John L. Ellis,	24 Templeton st.

Ralph Brooks,	1872 Dorchester ave.
Wilbur H. Cole,	1876 Dorchester ave.
Walter H. Wade,	12 Ashmont st.
Geo. Bragdon,	1886 Dorchester ave.
J. Sampson,	1888 Dorchester ave.
Geo. E. Griffin,	175 Ashmont st.
F. E. Driscoll,	1717 Dorchester ave.
John M. Casey,	166 Ashmont st.
Edwin A. Peckham,	208 Ashmont st.
C. H. Miller, M.D.,	"The Peabody," Ashmont.
Thomas McCormick,	32 Edwin st.
Edwin Keay,	172 Ashmont st.
A. O. Bradford,	171 Washington st.
Geo. J. O'Brien,	72 Wrentham st.
Jos. P. Hechinger,	
R. C. Totman,	36 Wrentham st.
Henry Hiltz,	1878 Dorchester ave.
H. H. DeLorie,	1878 Dorchester ave.
Chas. P. Mullen,	438 Talbot ave.
Stanley L. Mathes,	438 Talbot ave.
A. G. Boyce,	15 Dracut st.
J. W. Kirkpatrick,	212 Ashmont st.
William F. Greene,	Cor. Talbot ave. and Ashmont st.
Geo. S. Snow,	287 Ashmont st.
Charles Carter,	559 Talbot ave.
George P. Dowling,	1958 Dorchester ave.
Jas. A. Hart,	1894 Dorchester ave.
C. C. Haines,	515 Talbot ave.
Eben Denton,	250 Ashmont st.
C. T. Whittemore,	
Rector All Saints Church,	234 Ashmont st.
C. F. Wight,	224 Ashmont st.
D. F. Parker,	224 Ashmont st.
J. E. Mansfield,	220 Ashmont st.
L. T. Allen,	218 Ashmont st.
R. H. Jones,	208 Ashmont st.
W. B. Kendrick,	208 Ashmont st.
W. E. Grant,	1892 Dorchester ave.
John G. Phillips,	543 Talbot ave.
James E. Dolan,	537 Talbot ave.
Richard Lynch,	537 Talbot ave.
C. C. Guilford,	540 Talbot ave.
Frank G. White,	108 Alban st.
J. M. Delano,	95 Alban st.
Elmer E. Powers,	93 Alban st.
W. W. Morse,	447 Talbot ave.
F. W. Emery,	438 Talbot ave.
W. H. Weeks, jr.,	225 Ashmont st.
F. H. Woodward,	231 Ashmont st.
A. V. Chipman,	239 Ashmont st.
F. J. Chipman,	239 Ashmont st.

R. L. Chipman,	239 Ashmont st.
Geo. B. Drake,	281 Ashmont st
A. B. Dunham,	3 Arundel pk.
Charles Taft Chapin,	Arundel pk.
Mrs. T. Gordon,	10 Carruth st.
Henry C. Short,	8 Carruth st.
George A. Fiske, jr.,	8 Lombard st.
John Dale,	9 Lombard st.
A. T. Smith,	7 Lombard st.
F. Morton King,	23 Bushnell st.
H. C. Connact,	19 Bushnell st.
Chas. W. Beal,	15 Bushnell st.
T. B. Hennigar,	Mellen st.
F. T. Jaques,	147 Ashmont st.
R. H. Swan,	110 Richmond st.
T. E. Currier,	124 Ashmont st.
H. E. Fitzgerald,	4 Ocean st.
Foster H. Brackett,	13 Ocean st.
Chas. V. Dasey,	17 Ocean st.
Francis H. Willcutt,	32 Ocean st.
Ariel M. Cain,	58 Roslin st.
Davis T. Keever,	3 Mellen st.
Wm. C. Brooks,	1 Waldorf st.
Eliza E. Brooks,	1 Waldorf st.
C. N. Brooks,	1 Waldorf st.
C. E. Kammerlee,	20 Ashmont st.
Geo. I. Robinson, jr.,	225 Ashmont st.
G. B. Abbott,	322 Ashmont st.
S. F. Curran,	Burt st.
A. N. Dougall,	Cor. Dor. ave. and Lonsdale st.
M. A. Head,	1766 Dorchester ave.
Chas. Grosse,	1764 Dorchester ave.
Charles F. Dodge,	305 Ashmont st.
Solomon P. Dodge,	305 Ashmont st.
Nathan F. Sears,	298 Ashmont st.
Geo. A. Clark,	298 Ashmont st.
Ernest W. Fogg,	324 Ashmont st.
Francis J. Lally,	387 Ashmont st.
Gilbert C. Jackson,	393 Ashmont st.
J. Henry Briel,	395 Ashmont st.
Chris. S. Briel,	395 Ashmont st.
Benj. F. Brown,	397 Ashmont st.
Henry D. Hooke,	8 Bruce st.
George R. Whittemore,	3 Bruce st.
Henry E. Whittemore,	3 Bruce st.
Albert E. Cummings,	7 Bruce st.
Elisha Moseley,	8 Bruce st.
W. H. H. Sloan,	9 Bruce st.
E. W. Sloan,	9 Bruce st.
H. Packard,	19 Bruce st.
E. W. Harding,	

William Beatler,	19 Dracut st
Donald C. Macdonald,	17 Bruce st.
S. E. Browne,	61 Dracut st.
F. E. Woodworth,	47 Dracut st.
Wallace Burleigh,	45 Dracut st.
Geo. A. Scott,	38 Dracut st.
John Leonard,	12 Dracut st.
Herbert Everett Wells,	12 Dracut st.
John Leonard, jr.,	12 Dracut st.
Richard J. Watts,	9 Dracut st.
Rollin B. Fisher,	521 Talbot ave.
F. C. Dunn,	75 Brent st.
M. T. Smeltzer,	78 Brent st.
D. J. Driscoll,	1845 Dorchester ave.
Harry B. Whall,	389 Ashmont st.
Geo. Lawrinaib,	172 Ashmont st.
Fred W. Burleigh,	5 Mellen st.
Joseph A. McCloskey,	1816 Dorchester ave.
Edwin G. Bentham,	1816 Dorchester ave.
B. B. Palmer,	374 Ashmont st.
Jos. W. Estabrook,	391 Ashmont st.
H. A. Nichols,	8 Beaumont st.
M. B. Reardon,	Carlisle st.
Jerome J. Pastene,	82 Brent st.
Edw. G. Richardson,	82 Brent st.
W. A. Hallett,	73 Brent st.
R. J. Ford,	69 Brent st.
Arthur McCabe,	67 Brent st.
J. I. Hutchinson,	65 Brent st.
James McDonald,	49 Brent st.
N. Wylie Churchill,	47 Brent st.
Charles F. A. Smith,	43 Brent st.
Francis E. Smith,	43 Brent st.
F. W. Delano,	44 Brent st.
Stephen Gramer,	40 Brent st.
George Wm. Brown,	39 Brent st.
F. W. Franklin,	36 Brent st.
A. E. Smith,	33 Brent st.
Howard J. Rice,	
Wm. F. Rice,	
Calvin H. Kemp,	105 Lonsdale st.
Arthur C. Macdonald,	24 Dracut st.
Donald G. Mitchell, jr.,	222 Ashmont st.
Smith W. Nichols,	8 Beaumont st.
M. B. Goodwin,	1803 Dorchester ave.
J. E. Fisher,	
Chas. Chapleau,	144 Welles ave.
W. H. Parker, M.D.,	132 Welles ave.
D. H. Lowe,	132 Welles ave.
C. H. Benson,	154 Welles ave.
Oscar A. Wood,	154 Welles ave.

John Donovan,	73 Whitfield st.
Chas. E. Randall,	57 Samoset st.
T. W. McCabe,	55 Samoset st.
E. J. Darling,	51 Samoset st.
Mrs. James Calhoun,	49 Samoset st.
N. B. Nutt,	45 Samoset st.
Geo. B. DeLue,	45 Samoset st.
H. H. Murphy,	43 Samoset st.
Geo. A. Ross,	41 Samoset st.
G. C. Meyers,	105 Lonsdale st.
W. H. Haynes,	1 Rosemont st.
Mrs. J. W. Nichols,	11 Lonsdale st.
Chas. F. Cahill,	15 Lonsdale st.
M. E. Murphy,	21 Lonsdale st.
F. A. Plympton,	75 Lonsdale st.
L. Hurtag,	28 Lonsdale st.
John A. Hoitt,	28 Lonsdale st.
W. H. Owen,	34 Lonsdale st.
Eugene W. Wight,	Talbot ave.
Allan Nelson Wakefield,	Dorchester.
Georgia F. Bates,	90 Ashmont st.
Joshua Jacobs,	86 Ashmont st.
Lillian M. Nelson,	23 Mellen st.
Duncan Bailly Blanchard,	21 Mellen st.
Nellie F. Freeman,	31 Mellen st.
R. A. Nichols,	36 Nightingale st.
A. S. Knight,	33 Mellen st.
Edward G. Perry,	35 Mellen st.
D. Eilers,	2 Montague st.
A. A. McBride,	10 Ashmont st.
J. W. Lynch,	8 Ashmont st.
William H. Lowd,	7 Ashmont st.
G. B. Hall,	11 Ashmont st.
Walter Wright,	19 Ashmont st.
Mrs. W. H. Weeks,	21 Ashmont st.
Frederick H. Fraser,	95 Ashmont st.
Charles B. Moseley,	3 Beamont st.
Otis N. Alexander,	185 Sydney st.
E. W. Beal,	45 Carruth st.
B. W. Armstrong,	9 Lonsdale st.
E. J. Lord,	9 Lonsdale st.
F. N. Horton,	13 Intervale Park.
L. A. Newell,	13 Intervale Park.
C. M. Penney,	9 Lonsdale st.
Mrs. William Gooch,	20 Ashmont st.
C. H. Frost,	92 Ashmont st.
A. S. Frost,	92 Ashmont st.
B. A. Weeks,	21 Ashmont st.
C. A. Brooks,	1 Waldorf st.
M. E. Fellows,	75 Bailey st.
M. E. Cormack,	19 Bushnell st.

William Gooch,	20 Ashmont st.
C. O. Danforth,	82 Alban st.
N. P. York,	71 Alban st.
D. O. S. Lowell,	76 Alban st.
J. Wentworth,	68 Welles ave.
C. Wilson,	92 Alban st.
Henry E. Bellew,	51 Welles ave.
David H. Pulsifer,	52 Welles ave.
M. Myrick,	36 Welles ave.
J. R. Haumer,	28 Welles ave.
E. C. Powers,	25 Welles ave.
A. F. Howell,	31 Welles ave.
Joel N. Smith,	113 Ocean st.
Andrew J. Mahoney,	112 Ocean st.
G. B. Rowbotham,	111 Ocean st.
F. W. Carter,	107 Ocean st.
Edward Lynch,	102 Ocean st.
Geo. A. Lowell,	31 Bushnell st.
Edw. Brophy,	50 Caroline ave., Jamaica Plain.
Daniel Sullivan,	67 Shelton st., Dor.
Owen Moore,	5 Gordon st., Dor.
Charles McCarthy,	40 Shelton st.
Thomas H. Meade, jr.,	615 Adams st., Dor.
James Ginn,	59 Shelton st.
Charles H. Bradley,	29 Shelton st.
Francis S. Ford,	25 Dracut st.
Michael Murray,	65 Shelton st.
Richard Conboy,	55 Shelton st.
P. J. Brophy,	93 Shelton st.
Joseph Mullen,	50 Caroline ave., Jam. Plain.
B. T. Mullen,	50 Caroline ave., Jam. Plain.
P. J. Clarke,	19 Edwin st.
John Roberts,	Templeton st.
C. F. Sterling,	324 Codman st.
E. T. Brophy,	93 Shelton st., Dor.
J. T. F. Buffey,	48 Shelton st., Dor.
P. F. McNamara,	93 Shelton st.
D. D. Crowley,	13 Wrentham st.
M. F. Crowley,	13 Dracut st.
J. H. Dillen,	Sanford st.
D. Coyle,	Edwin st.
D. Sullivan,	Lonsdale st.
E. McCormack,	Denver st.
J. J. Sullivan,	Edwin st.
T. Sullivan,	Dorchester ave.
D. Crowley,	13 Wrentham st.
E. R. McLarin,	Wrentham st.
W. A. Lally,	Sawyer ave.
Dr. J. G. Wilton, V. S.,	Gibson st.
J. H. Lyons,	Adams st.
Charles Paine,	Adams st.

EXHIBIT No. 70.

September 23, 1899.

TO THE BOARD OF PARK COMMISSIONERS:

GENTLEMEN, — I have agreed to settle the claim of the Bennett estate, brought for the benefit of David Benchinol, for damages to the estate at the foot of Mercer street in South Boston taken for park purposes. The amount of land or other flats taken was 109,500 square feet, and I have agreed to settle the suit for the sum of $5,600 and five-sixths of the taxes on this land for the year 1897. The taxes cannot amount to more than forty dollars, five-sixths of which would be about thirty-five dollars. This settlement is at the rate of a trifle over five cents a foot flat, and a little less than four and a half cents with interest. You will remember that this is the estate where Mr. Benchinol wanted a dollar a foot for the land taken. I think this on the whole is a reasonable settlement, as the flats were much nearer the built up portion of South Boston than the Russ land, although there is a less proportion of upland. The estate, commonly known as the old Glass Works, had a frontage on Mercer street, and could have been developed from that street by filling the flats which we took off the end of the wharf.

Yours truly,

THOMAS M. BABSON, *City Solicitor.*

October 7, 1898.

TO THE BOARD OF PARK COMMISSIONERS:

GENTLEMEN, — I have agreed to settle, subject to your approval, the cases of Sarah E. Pratt, to recover damages for her land taken for the Neponset Playground, for the sum of $6,469.79, without interest. This land was divided into three lots, which for convenience we will call lots A, B, C. Lot A contained 43,841 square feet. It comes within seventy or eighty feet of Neponset avenue, and is immediately adjoining the rear of Blackwell's land, which is probably worth fifteen or twenty cents a foot. I have agreed to settle for this lot for four cents a foot net. Lot B contains 100,308 square feet, and lot C contains 109,299 square feet. For these lots I have agreed to pay two and a quarter cents a foot net. At four cents a foot lot A would amount to $1,753.64. At two and a quarter cents a foot lots B and C would amount to $4,716.15. The total being $6,469.79. By agreement this money is not to be paid until after the fifteenth of December, but I should like to have your approval as soon as possible, so that I may be prepared to sign the agreement for judgment on that day. I would say that I have seen Mr. Cobb in relation to this matter, and he heartily approves of this settlement.

Yours truly,

THOMAS M. BABSON, *City Solicitor.*

October 19, 1898.

BOARD OF PARK COMMISSIONERS:

GENTLEMEN, — In reference to my settlement of the case of Sarah E. Pratt, for Neponset Playground, and in reply to a request of Mr. Pratt, I send the following figures concerning the settlement. The total amount of land taken from Mrs. Pratt in the three pieces was 254,448 square feet. At two and a quarter cents a foot, the value would be $5,715.12, which with interest would amount to the sum I recommended for settlement; that is, — the settlement that I recommended was on an average value of the land of two and a quarter cents a foot, with interest. The settlement was made on a different basis, as in my opinion the small piece of land to the rear of Blackwell's land and near Neponset avenue was better worth four cents a foot than the rest of the Pratt marsh was worth two, or the land on the other side of the creek one.

Yours truly,

THOMAS M. BABSON,
City Solicitor.

September 20, 1899.

THOMAS M. BABSON, ESQ., *City Solicitor:*

DEAR SIR, — We have been negotiating, through Mr. John C. Cobb, with the estate of William Worthington with a view to acquiring a tract of marsh land and flats, bounded by the Old Colony Railroad, Springdale street, and low water in Dorchester Bay. Mr. Cobb reports that the owners will sell at the following prices: 5 cents per foot for the marsh land, 2½ cents per foot for the flats inside the Harbor Commissioners' line, and 1 cent per foot for the flats outside the Harbor Commissioners' line. The U. S. Government has also established a bulkhead line, which deprives the owner of the privilege of filling any of these flats, although permitting pile structures upon them. The flats are assessed at ¼ a cent a foot.

The question upon which we desire your opinion is, whether it is better for the city to purchase the property at these prices or to take the land, leaving the question of damages for a jury to determine. A speedy answer will much oblige

Yours truly,

CHARLES E. STRATTON,
Chairman.

BOSTON, September 21, 1899.

BOARD OF PARK COMMISSIONERS:

GENTLEMEN, — Your communication of the 20th inst., in regard to proposed purchase of estate of William Worthington,

was received. In view of the facts mentioned in your letter, and also of the statements made to me by Mr. Cobb, I would advise the purchase at the prices named. They seem high in comparison to the assessed values, but the prices recently paid for upland in the immediate vicinity, some pieces of which sold as high as fifty cents a foot, causes me to think that the marsh land has been greatly under-assessed. There is always great danger in trying cases in which the value of cheap land in the immediate vicinity of expensive land is involved. Taking all things into consideration, I would advise the purchase.

Yours truly,

THOMAS M. BABSON,
City Solicitor.

December 29, 1899.

BOARD OF PARK COMMISSIONERS:

GENTLEMEN, — I have agreed to settle, subject to your approval, the case of Franklin King for taking land and flats for the Strandway in the vicinity of Mercer street, South Boston, for the sum of $22,000 flat, and the case of King *et al.* for $10,500. These properties were, next to the Burnham-Gallagher estate, by far the most valuable of any taken for this park, because an extension of Mercer street had been planned and filling put upon it, extending across both land of Clapp and land of King. There were 50,700 square feet of marsh or upland in the Franklin King *et al.* property and 85,100 feet of flats which bordered on this street, and 86,100 square feet of upland in the Franklin King property and 202,900 square feet of flats. This upland was probably worth ten to twelve cents a foot, and the 288,000 square feet of flats some four cents.

Yours truly,

THOMAS M. BABSON,
City Solicitor.

November 24, 1899.

BOARD OF PARK COMMISSIONERS:

GENTLEMEN, — I have agreed to settle, subject to your approval, the petitions of Charles T. Gallagher *et als.*, Trustees of the estate of Choate, Burnham, to recover damages for land, flats and buildings taken for park purposes, for the sum of $15,000. This settlement is on the following basis:

Twenty-seven thousand square feet of filled land and wharf at twenty-five cents a foot, $6,750; 121,000 square feet of flats at six cents a foot, $7,260. There is a building, about half of which is inside of our taking which is worth about $2,000. It is a two-story frame building with a slate roof, and, of course, as we took in fee, the estate can abandon and call it a total damage. I

agreed to pay a thousand dollars for the building he to have the privilege of moving it back on his wharf. I think there are more flats than I have estimated for, and that the real sum paid is less than six cents a foot without interest. This estate was by far the most valuable that was taken for this park, as Vale street runs down on the wharf and to these flats. The solid land has been filled by city ashes without expense to the estate, and presumably the flats against the wharf would have been filled in time in the same manner and then would have become worth twenty or twenty-five cents a foot. I regard this as an exceedingly favorable settlement, the best that has been made of these flats, and Mr. Cobb, whom I had examine the matter, concurs with me in this opinion.

Yours truly,

THOMAS M. BABSON,

City Solicitor.

May 9, 1898.

CHARLES E. STRATTON, ESQ.,

Chairman of the Board of Park Commissioners:

MY DEAR MR. STRATTON, — Mr. Flynn has been in two or three times enquiring whether I had heard from you in regard to the settlement of his namesake's case, on the North End Playground. As I wrote you before, the sum of eight thousand dollars flat, which was mentioned in my note, is only about five hundred more than my own idea of what Mr. Flynn ought to have, and if there has been talk of settling it for eight thousand dollars, I would recommend a settlement at that price. Please let me hear from you at once. If I do not hear from you I shall regard it as the consent of your Board recommending the settlement at that price.

Yours truly,

THOMAS M. BABSON,

City Solicitor.

May 9, 1898.

TO THE BOARD OF PARK COMMISSIONERS:

GENTLEMEN, — I have agreed, subject to your approval, to settle the case of Margaret J. McLaney for property taken for park purposes at the North End, for the sum of $3,800, without interest. Please pass the necessary vote authorizing the settlement, and oblige.

Yours truly,

THOMAS M. BABSON,

City Solicitor.

Estate on Samoset Place.

June 4, 1898.

BOARD OF PARK COMMISSIONERS:

GENTLEMEN, — I have agreed to settle, subject to your approval, the case of Eliza B. Macquarrie, being a petition for damages on account of the taking of house and land on Bennet street, for the North End Park, for the sum of $12,300, without interest. I have spoken to Mr. Cobb in regard to this matter, and he approves of this settlement.

Yours truly,

THOMAS M. BABSON,
City Solicitor.

June 21, 1898.

TO THE BOARD OF PARK COMMISSIONERS:

GENTLEMEN, — I would recommend the settlement of the case of Wheat *vs.* City of Boston for the taking for the North End Playground, of land and two small houses at the end of Samoset Place, for the sum of $6,750, without interest. This property consisted of two small wooden houses in pretty good condition and repair, which were leased at the time of the taking for fifty dollars per month, the tenant to do his own repairs. At a ten per cent. basis this would make the place worth $6,000. At a nine per cent. basis, $6,700. At an eight per cent. basis, $7,500. There is over a year's interest due, and the interest account will be increasing as the case cannot be tried before 1899. In view of the other settlements made, and the fact that this is the last case in the park, I think it is better to settle at these figures, although they are justified only by the rents, which Mr. Cobb has investigated and found to be actually paid at the time of the taking.

Yours truly,

THOMAS M. BABSON,
City Solicitor.

December 14, 1899.

Mr. CHARLES E. STRATTON, *Chairman of the Board of Park Commissioners of the City of Boston.*

DEAR SIR, — In the month of November, 1898, the City of Boston being desirous of purchasing a tract of land on Columbus avenue next to the baseball grounds, the Mayor and your Board authorized me to obtain an option from the various owners, which I did, on lots 2, 3, 4, 5, 6, 7; it being understood that the first lot, No. 1, owned by the Rotch heirs, was not desired. I then went to the West Indies, and on my return three months afterwards I found that the land had not been purchased, and on

inquiry, you and the Mayor informed me that the reason was that you desired to purchase the first lot, and could not obtain a satisfactory price from the Rotch heirs. I informed you and the Mayor that I thought I could obtain a much lower price, and showed you and the Mayor an agreement that the Rotch heirs had made with me some time previous, to sell at a much lower figure than they had given your agent.

You and the Mayor then authorized me to act as your agent in behalf of the City to purchase said lot. You asked me at the time what my charges would be, and I said I would charge only what was right.

I then saw Messrs. Meredith and Grew, the agents for the Rotch heirs, and between us we got the Rotches to agree to sell it for $1.70 per foot cash, which was five cents per foot less than the city could get it for, amounting to $2,600, and they also agreed to pay us 2½ per cent. commission, one-half of which I was to receive. I obtained the Rotch offer in writing and gave it to you, and I also at the same time stated to you that the Rotches had agreed to pay me a commission for selling same, and consequently I should not expect the city to pay me anything for my services. The Rotchs' offer was accepted by your Board and the Mayor. It was then discovered that there was not enough left out of this year's appropriation to pay for same. It was then decided by your Board and the Mayor to place a mortgage on same for $60,000 and buy it subject to the mortgage. Mr. Pratt got a trust company to take the mortgage, and it was all arranged to pass the papers when you decided to submit the case to the Law Department. Mr. Bailey decided that the city could not purchase mortgaged property. Your Board and the Mayor then decided to take only the five middle lots, leaving out the front and back lots, Nos. 1 and 7, until next year, when the appropriation came due. When Mr. Rotch heard of this he called upon me and accused me of not having worked in his interest, but had sold my land and that of others in preference to his, and that the city had not kept faith with him, and that the trade was off, and that any agreements were null and void, and even if the city did take the land next year he should not pay me any commission. I have seen Mr. Rotch again within the past few weeks, and informed him that it was the intention of the city to take his land the first of January, and pay him for it; he repeated again what he formerly said, that he would not pay any commission under any circumstances; that the city had not kept its agreement with him and the trade was off.

Now I claim that in equity and justice that your Board should pay me the commission. In my dealings with your Board I have acted in an honorable and trustworthy manner. I released you from paying any commission when the Rotchs' agreed to pay it, and it was no fault of mine that they did not pay it to me; neither did I ask you to pay me any commission for obtaining the option on the other lots, although I had to go to considerable

expense and trouble to get it. I also afterwards got the Pollard and Tucker heirs to take 15 cents per foot less than their option called for on lot No. 7; this amounted to $3,300.

So the case now stands about as follows:

I have obtained a reduction for the city on the Rotch land,	$2,600
On the Polland and Tucker land	3,300
	$5,900

The amount which the city have paid and is to pay for the seven lots is about $190,000. If the city was to pay me the same commission as the Rotch heirs agreed to pay for the sale of their land, then the total commission would be about $4,700, but all I ask of your Board is to pay me the commission that the Rotch's agreed to pay, viz.: Eleven hundred dollars as per bill enclosed.

The city is obtaining a good trade in this land, there is no land deal in it; they are dealing with the owners, and with the exception of my lot, all the lots have been in the possession of the various owners for from 40 to 114 years.

Trusting that you will see the justness of this matter, and that you will authorize the payment of the enclosed bill.

I am yours truly,

JAMES H. STARK.

EXHIBIT No. 71.

LETTERS REGARDING LAND FOR COLUMBUS AVENUE PLAYGROUND.

BOSTON ELEVATED RAILWAY CO., PRESIDENT'S OFFICE,

101 MILK STREET, BOSTON, MASS., April 6, 1899.

HON. CHARLES E. STRATTON, *Chairman Board of Commissioners of the Department of Parks*,

JAMAICA PLAIN, MASS.

DEAR SIR, — In accordance with request contained in your letter of April 6th, Mr. Gaston directs me to send you the enclosed copy of letter to Mayor Quincy, in regard to land on Columbus avenue and Camden street.

Respectfully,

C. I. FRASER.

[Copy of letter enclosed.]

Feb. 11, 1899.

COPY.

HON. JOSIAH QUINCY, *Mayor*, *Boston*, *Mass.*

DEAR SIR, — In regard to the lot at the corner of Camden street and Columbus avenue, I would say that I am informed that

the same is taxed for $1.75 a foot. I have conferred with Mr. Little, President of the West End Street Railway Company, and we are prepared to recommend to our respective companies a sale of the whole lot to the City of Boston for two dollars a square foot; or a sale of the piece you mention, — assumed to contain 18,000 to 20,000 square feet of land on Columbus avenue, but not bounded by Camden street, — for $1.75 a foot, the average taxed value for the full lot.

Very respectfully yours,

(Signed) WILLIAM A. GASTON,
President.

EXHIBIT NO. 72.

LETTERS REGARDING SETTLEMENT WITH ISAAC P. CLARKE FOR DAMAGES TO HIS PROPERTY.

CORNER RIVERWAY AND LONGWOOD AVENUE,
BOSTON, August 22, 1899.

HON. THOMAS M. BABSON, ESQ., *City Solicitor, Boston.*

DEAR SIR, — I have your letter of August 17 in regard to my claim, for land taken for widening Longwood avenue, and proposing a settlement for five thousand dollars without interest. While this amount is less than I felt I was entitled to, I have, — considering the expense of a trial, — decided to accept it, with the understanding that I shall be put to no expense on account of the building of the wall and rebuilding of the steps, and regrading and loaming the slopes to the new wall, and which I presume it is the intention of the Commissioners to do. I will be obliged if you would communicate with the Park Commissioners, so that your recommendation may be before them for action at their next meeting, on the 28th inst., Monday, as I would like the matter closed up in view of my contemplated vacation.

I have to thank you for your personal examinations and the kind attentions you have given to me at various interviews in this matter, knowing full well how much the press of official business occupies your time.

Very truly yours,

ISAAC P. CLARKE.

CITY OF BOSTON,
LAW DEPARTMENT, AUGUST 23, 1899.

TO THE BOARD OF PARK COMMISSIONERS.

GENTLEMEN, — I have agreed to settle the case of Isaac P. Clarke for damages to his property, corner of Riverway and Longwood avenue, for the sum of $5,000.

I have been out to examine the premises, and have looked them over with some care. I think the land taken is worth at least $1,600, and the remainder is for the loss of his trees and the general damage to his house and premises, which I think is considerable.

I enclose a letter from him in which he speaks of your regrading the park wall and regrading the slope. I have written to him that my offer was in full of all damages, and that I had nothing to do with anything outside of the payment of money; that, if your board, for the sake of the appearance of the park, wanted to build him a wall and grade his land similar to the other walls at that place, I had no objection, but that he would have to see your board in regard to the matter.

Yours truly,
THOMAS M. BABSON, *City Solicitor.*

NO. 1 AUTUMN STREET, BACK BAY DISTRICT,
BOSTON, Sept. 22d, 1899.

CHARLES E. STRATTON, ESQ.,
Chairman Board of Park Commissioners:

DEAR SIR, — I was much disappointed in Mr. Babson's proposal, as I expected a considerable larger sum. This estate, fronting on three streets, is considered by others as the most valuable location on the Parkway.

Your taking is all front land, which, with the necessary slopes, is greatly to the injury of the remainder, and with the destroying of my shade trees, leaving the house in a barren condition and bad position, is where the question of damages arise. I exhausted every means possible from its first inception against the taking of my land as you are aware. It is now over two years since the taking, with a loss of six hundred ($600) dollars interest. My proposition to your Board of December 27, 1898, for a settlement was $7,054 in money, and your Board to erect a retaining wall on Longwood avenue, in addition to the moving of the present wall, grading the slopes and changing the walk. This proposal was considered liberal by others.

You are no doubt aware that you took in 1890, eight years ago, a portion of the rear land (2,311 feet) from the second estate below me belonging to Annie J. Coe. This was *before* any improvements were made on this parkway, and the jury gave her $4,995 damages; subsequently she recovered $710 from you for the retaining wall, making $5,705. Her estate was not a corner lot, and no very valuable trees were destroyed. I have a right to expect the jury would give me under the circumstances a much larger amount than my original proposal for a settlement. The case is now on the trial list, but as I shall be necessitated to go to some expense in working up my case, and to avoid this, and having reason to not wish any lawsuit with

the City, I have accepted Mr. Babson's proposal as far as the money consideration is concerned, but conditional as regards the alterations, as specified in my note to him, which he has submitted to you. I am now willing to modify that proposal, that you shall set the present constructed wall and steps back on the new line without expense to me. It can cost you but little while you are at work there, and have the material on hand, and can make a satisfactory job for the City in connection with the improvements at this place.

Respectfully,

Your obedient servant,

ISAAC P. CLARKE.

EXHIBIT NO. 73.

PETITION IN TAKING OF COLUMBUS-AVENUE PLAYGROUND.

COPY.

(*Petition Filed April 10, 1900.*)

COMMONWEALTH OF MASSACHUSETTS.

SUFFOLK, SS.

Supreme Judicial Court.

PRESIDENT AND FELLOWS OF HARVARD COLLEGE

vs.

BOARD OF PARK COMMISSIONERS OF THE CITY OF BOSTON.

Petition for Writ of Certiorari.

TO THE HONORABLE, THE JUSTICES OF THE SUPREME JUDICIAL COURT:

1. RESPECTFULLY REPRESENTS the President and Fellows of Harvard College, a corporation established under the laws of said Commonwealth, that it was on January 1st, A.D. 1900, and for a long time prior thereto had been owner of a certain tract of land in said City of Boston, situated in that part of said city known as West Roxbury, and bounded and described as follows: Northwesterly by Washington street four hundred and $\frac{12}{100}$ feet; northeasterly by other land of this petitioner nine hundred six and $\frac{87}{100}$ feet; southeasterly by land now or late of Clarence E. Tuttle six hundred fifty-five and $\frac{23}{100}$ feet; and southwesterly by other land of this petitioner eight hundred forty-one feet, containing 449,600 square feet of land more or less:

2. That on said January 1st, 1900, the respondents acting or purporting to act under and by virtue of Chapter 412 of the Acts of 1898, as amended by Chapter 279 of the Acts of 1899, took said tract of land for playground purposes by a Taking dated January 1st, 1900, and recorded with Suffolk Deeds, Book 2656, page 433, a copy of which, marked A, is hereto annexed and made part hereof;

3. That said respondents acting or purporting to act under said statutes on said first day of January, 1900, took for playground purposes a tract of land belonging to the West End Street Railway Company; also a tract of land belonging to the estate of William J. Rotch, deceased; also a tract of land belonging to Annie M. Pollard and Gertrude P. Noble, owners of one undivided half part thereof, and the heirs of Isaac N. Tucker, owners of the remaining undivided half part thereof; also a tract of land described as belonging to owners unknown by a Taking, a copy of which, marked B, is hereto annexed and made part hereof, and to which and to a sketch plan hereto annexed on which the parcels so taken are shown in red, reference is hereby made for further description of the premises;

4. That both said Takings were duly approved by the Mayor of the City of Boston on said first day of January, 1900;

5. That Section 1 of Chapter 279 of the Acts of 1899 is as follows:

"Section 1. Section one of chapter four hundred and twelve of the Acts of the year eighteen hundred and ninety-eight is hereby amended by striking out the whole of said section and inserting in place thereof the following: Section 1. The Board of Park Commissioners of the City of Boston, for the purpose of establishing a comprehensive system of playgrounds to meet the wants of the different parts of said city, is hereby authorized to take by purchase or otherwise, with the approval of the Mayor of said city, land for playgrounds in such different locations, not exceeding twenty in number, as they may deem adapted for the purpose; *provided, however*, that not more than two hundred thousand dollars shall be expended in any one year for said purpose";

6. That on February 14, 1900, the City of Boston paid to Clara M. Rotch, Morgan Rotch and William Rotch, executors of the estate of William J. Rotch, the sum of $80,659.78 in full settlement for the land taken by the respondents from the estate of William J. Rotch and described in said last-mentioned taking;

7. That on March 5th, 1900, said City paid to the West End Street Railway Company the sum of $105,073.39 in full settlement for the land taken by the said respondents from said railway company and described in said last-mentioned taking;

8. That on March 27th, 1900, said City paid to Annie M. Pollard and Gertrude P. Noble the sum of $9,652.43 in full settlement for their undivided half portion of the land owned in common by them and the heirs of Isaac N. Tucker described in said last-mentioned taking;

9. That the total of payments made by the said City on account of land taken for playground by the respondents on the said first day of January, 1900, amounts to the sum of one hundred ninety-five thousand three hundred eighty-five and $\frac{60}{100}$ dollars;

10. That settlement for the land taken from the heirs of Isaac N. Tucker has been made at the price of $9,652.43, and said sum is ready to be paid to said heirs when called for;

11. That said sum now ready to be paid to said Tucker heirs added to the total already paid out for lands taken on the said first day of January, 1900, makes a total of two hundred and five thousand thirty-eight and $\frac{3}{100}$ dollars expended in the year 1900 for lands taken in the year 1900 and exceeds the amount which the said respondents are authorized by said statutes to expend;

12. That no settlement has been made with the owners of the parcels described as belonging to owners unknown in said second taking or with your petitioners;

13. That the land taken from owners unknown has a fair market value of at least five thousand three hundred sixty-one dollars;

14. That the land taken from your petitioner has a fair market value of at least eighty-nine thousand dollars, not including the damage to your petitioner's remaining land and buildings, which said damage is estimated at a large sum;

15. That said taking of your petitioner's land is unlawful and invalid, because

1st. Said statutes provide that not more than two hundred thousand dollars shall be expended in any one year, and more than two hundred thousand dollars has already been expended since January 1st, 1900, for lands taken on January 1st, 1900.

2d. An attempt at least has been made to take your petitioner's land by eminent domain without any provision being made for the payment of damages sustained, but on the contrary in the face of an express legislative direction that not more than two hundred thousand dollars can be expended in one year, which sum has been entirely expended so as to leave no available means with which to compensate your petitioner;

Wherefore, your petitioner prays that a writ of certiorari may issue directed to said Board of Park Commissioners to certify the record of their proceedings in order that the same may be quashed so far as they relate to land taken from your petitioner and for such other relief as the nature of the case may require.

EXHIBIT NO. 74.

ANSWER IN TAKING OF COLUMBUS-AVENUE PLAYGROUND.

(*Answer Filed April 17, 1900.*)

COMMONWEALTH OF MASSACHUSETTS.

SUFFOLK, SS.

Supreme Judicial Court.

PRESIDENT AND FELLOWS OF HARVARD COLLEGE, PETITIONERS FOR CERTIORARI,

vs.

BOARD OF PARK COMMISSIONERS OF THE CITY OF BOSTON.

Respondents' Answer.

And now come the Board of Park Commissioners of the City of Boston, and for answer to the petition in the above-entitled cause say:

1. They are ignorant whether the title to the land described in paragraph 1 of said petition is in the petitioners, and leave them to prove the same.

2. They admit that on January 1, 1900, the respondents, acting under and by virtue of Chapter 412 of the Acts of 1898, as amended by Chapter 279 of the Acts of 1899, took said tract of land for playground purposes, and duly recorded their taking in the Suffolk Registry of Deeds.

3. They admit that said respondents, acting under said statutes, on said first day of January, 1900, took for playground purposes a tract of land supposed to belong to the West End Street Railway Company; also a tract of land supposed to belong to the estate of William J. Rotch, deceased; also a tract of land supposed to belong to Annie M. Pollard and Gertrude P. Noble and the heirs of Isaac N. Tucker; also a tract of land described as belonging to owners unknown; and duly recorded said taking in the Registry of Deeds.

4. They admit that said takings were approved by the Mayor of the City of Boston on or about the 1st of January, 1900.

5. They admit that Section 1 of Chapter 279 of the Acts of the year 1899 is correctly set forth in Paragraph 5 of the petitioners' petition.

6. They admit that on or about February 14, 1900, the City of Boston paid to Clara M. Rotch and others, executors of the

estate of William J. Rotch, the sum of eighty thousand six hundred fifty-nine dollars and seventy-eight cents ($80,659.78) in full settlement for the taking by the respondents of said land supposed to belong to the estate of William J. Rotch.

7. They admit that on or about March 5, 1900, said City paid to the West End Street Railway Company the sum of one hundred five thousand seventy-three dollars and thirty-nine cents ($105,073.39) in full settlement for the taking by the respondents of said land supposed to belong to said Railway Company.

8. They admit that on or about March 27, 1900, said City paid to Annie M. Pollard and Gertrude P. Noble the sum of nine thousand six hundred fifty-two dollars and forty-three cents ($9,652.43) in full settlement for the taking by the respondents of their half portion of said parcel of land supposed to belong to said Annie M. Pollard and Gertrude P. Noble and the heirs of Isaac N. Tucker.

9. They admit that the total of payments made by said City on account of lands taken by the respondents for playgrounds in the year 1900 amounts to the sum of one hundred ninety-five thousand three hundred eighty-five dollars and sixty cents ($195,385.60).

10. They deny that settlement for the land described in said taking as supposed to belong to the heirs of Isaac N. Tucker has been made at the price of nine thousand six hundred fifty-two dollars and forty-three cents ($9,652.43) and that said sum is ready to be paid to said heirs when ready to be called for.

And the respondents further answering say that after the passage of Chapter 279 of the Acts of 1899, to wit, in May and July, 1899, the City of Boston borrowed the sum of two hundred thousand dollars ($200,000) upon bonds issued by the City Treasurer in accordance with the provisions of said Act and under the authority of the same, and held said sum of $200,000 so raised for the payment of lands and other expenses incurred under said Acts.

On May 29, 1899, said Board of Park Commissioners took for the Columbus-avenue playground 89,523 square feet of land and drew drafts upon the City Treasurer for the total sum of sixty-two thousand three hundred and eighty-two dollars ($62,382) to pay for a portion of said land so taken, to wit: 62,382 square feet, in lots numbered 1 to 6, inclusive. The city conveyancers reported to said board that the owners of said lots had no title to 22,970 square feet of said 89,523 above reported, and that 4,171 square feet of said land was a passage-way common to all of said lots.

On July 18, 1899, said Board of Park Commissioners took 97,686 square feet of land for the Ashmont playground, of which 12,401 square feet was in Joseph street. The balance of the land was assessed for $25,500, upon which no settlement has been made with the owner or owners.

On September 18, 1899, said Board took for the Savin Hill playground 809,200 square feet of land and flats, for which the Board, on January 8, 1900, drew a draft on the City Treasurer

for the sum of twenty-six thousand five hundred fourteen dollars and fifteen cents ($26,514.15).

On October 2, 1899, the Board took 1,426 square feet of land for the North End playground, which said land with a building which had previously been torn down was assessed for the purposes of taxation in the sum of five thousand nine hundred dollars ($5,900).

On November 20, 1899, the said Board of Park Commissioners took 162,200 square feet of land for the Roslindale playground, for which the Board on January 1, 1900, drew drafts upon the City Treasurer for the sum of twenty-four thousand six hundred ninety dollars and eleven cents ($24,690.11).

On January 1, 1900, the Board completed the taking of the Columbus-avenue playground, comprising a lot of 22,056 square feet, upon which the Board held an agreement under seal from the owners, dated April 18, 1899, to convey the same at a stated price and interest; also a lot of 50,645 square feet belonging to the West End Street Railway Company; and a lot of 45,486 square feet belonging to William J. Rotch; and also a lot of 5,361 square feet, being land in Salt creek, the title to which is unknown. On the same day the Board drew drafts on the City Treasurer aggregating the sum of two hundred thirty thousand one hundred twenty-two dollars and forty-five cents ($230,122.45), in payment for lands taken by said Board in 1899 and 1900 for playgrounds.

At the time these drafts were drawn there was a balance of one hundred thirty-six thousand six hundred ninety-four dollars and eleven cents ($136,694.11) in the city treasury remaining unexpended of the proceeds of the bonds issued for playgrounds as aforesaid A. D. 1899, and the City Treasurer under said Acts was authorized to issue bonds and to borrow the further amount of two hundred thousand dollars ($200,000) for the year 1900 for playgrounds under the Acts referred to above.

And except so far as above admitted the respondents deny each and every allegation of the petitioners' petition, and they submit herewith an attested copy of the record of their proceedings in the premises, and they say that said takings were lawful and valid and in compliance in all respects with the requirements of said statutes.

Wherefore they say that they ought not to be required to answer to said petition and pray to be hence dismissed with their costs in this behalf wrongfully sustained.

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Board of Park Commissioners.

EXHIBIT No. 75.

(STATISTICS IN REFERENCE TO BOARD MEETINGS.)

Hearings in 1896	85
" " 1897	83
" " 1898	48
" " 1899	55
	271
Meetings in 1896	66
" " 1897	76
" " 1898	61
" " 1899	66
	269
Subjects in 1896	760
" " 1897	882
" " 1898	769
" " 1899	789
	3,200

EXHIBIT No. 76.

(RECORDS OF MEETING OF PARK COMMISSION HELD JANUARY 6, 1896.)

BOSTON, January 6, 1896.

A meeting of the Board of Park Commissioners was held at the office at 2 P.M.

Present, Messrs. Hodges, Walker and Pratt. Also present Messrs. E. W. Howe and J. C. Olmsted.

The records of the last meeting was read and approved.

An order of the City Council requesting the Board to cause the marsh lands bounded by Dorchester avenue, Locust street, Mt. Washington avenue and Kemp street, to be flooded, so that the same may be used for skating during the present winter, was received and a reply made. (See Letter Book 6, page 144.)

Voted, That the Secretary issue emergency permits for the year 1896 to the Gas and Electric Light Companies having mains in Commonwealth avenue, on the terms specified in said permits for 1895.

A communication was received from William E. Sheldon enclosing copy of agreement with Robert Coulsey, whereby the privilege of letting and sharpening skates at Jamaica pond is

given to him in consideration of the payment of twenty-five dollars, together with proposed schedule of prices, and the Secretary was directed to notify Mr. Sheldon that the Board does not approve of his arrangement with Mr. Coulsey, but will approve an arrangement providing for a reduction in the prices for sharpening and letting skates instead of the payment of anything for the privilege.

A suggestion of the Chairman that the Engineer in charge try the experiment of keeping the bathing arrangements at Charlesbank open to the public during the winter months, was referred to the Chairman with full power.

A conference was held with the Corporation Counsel regarding the new form for park rules proposed by him, and proposed legislation for the fixing of the penalty for breaches of said rules by the courts having jurisdiction of such cases, also regarding proposed legislation for appointment of Department Police by the Board of Police, also concerning the application of the law for the construction of sidewalks to Commonwealth avenue, and the making of rules for the construction of sidewalks on the Parkway, also regarding the necessity for the formal approval of the Board to the relocation of Seaver street by the Board of Street Commissioners, and the proposed petition to the Legislature for the authority to sell the remaining lands outside of the line of the street as relocated, also regarding a proposal that the Act to authorize the establishment of a building-line on public ways be amended so that the provisions of said statute shall apply to Parkways.

Mr. Bailey said that he regarded the sidewalk law as still applicable to Commonwealth avenue, but that the Board was free to make any rules it saw fit regarding sidewalks on the Parkway, also that the city was pledged to carry out the agreement with the abutters regarding the relocation of Seaver street. He also agreed to draw up petitions to the Legislature covering the other matters and send them to the Board. Subsequently the following action was taken:

Whereas, Seaver street, after its taking and reconstruction by this department, March 27, 1893, was relocated by the Board of Street Commissioners by an order passed December 5, 1894, in consequence of an agreement with the abutters, approved and recommended by the Law Department, it is therefore,

Voted, That this Board, in accordance with the provisions of Section 13 of Chapter 185 of the Acts of the year 1875, hereby approves of the relocation and alteration of Seaver street by an order of the Board of Street Commissioners, passed December 5, 1894, according to a plan thereof, dated March 24, 1894, signed by Pierre Humbert, Jr., City Surveyor, and referred to in the said order.

(Signed) GEO. F. CLARKE,
Secretary.

EXHIBIT NO. 77.

RECORDS OF MEETING OF PARK COMMISSION HELD DECEMBER 26, 1899.

BOSTON, December 26, 1899.

A meeting of the Board of Park Commissioners was held at 64 Pemberton square, at 2.30 P.M. Present: Messrs. Stratton, Pratt and Prendergast, also Superintendent Pettigrew. The records of the last meeting were read and approved.

A conference was held with the Mayor and Chairman Lane of the Bath Commission in regard to transferring the control of North End Beach to the Bath Department. Mr. Lane stated that the Bath Commissioners would agree to assume the care of the beach and bath houses this winter, but did not think they should be asked to make up any loss to the Park Department on account of running the bath houses in 1898, under the agreement of that year. It was thereupon

Voted, That this Board hereby authorizes the Bath Department to take the care and control of the baths and piers at North End Beach including the beach and grounds northerly of Commercial street, until the 15th day of June, 1900, upon the following terms, namely:

1. The said baths and piers, beach and grounds, shall be open to this Board at all times, and the right is reserved to the Boston Parks Boat Service Company to maintain a boat-landing at the end of the westerly pier of the North End Beach, under the conditions of its agreement with this Board, including the privilege of furnishing light refreshments at said landing.

2. The Bath Department shall keep said premises clean, and watched and guarded, during said term, and shall employ such attendants as may be necessary for the purpose.

3. This Board reserves the right to revoke the authority hereby given at any time in its discretion, and with the approval of the Mayor.

A communication was received from Corporation Counsel Bailey answering in the negative the question whether the Board should reserve any of the loan, authorized for playgrounds, to cover betterments for the laying out and construction of Columbus avenue, not yet assessed.

A statement of the work and needs of the department, prepared in answer to Executive Circular No. 70, for the use of Mayor-elect, Hon. Thomas N. Hart in the preparation of his inaugural address were submitted by the Chairman, approved and sent to the Mayor.

An order of the City Council requesting that teamsters be paid for overtime, was received and referred to the superintendent.

A proposition from Julius Pratt relative to fire insurance on the new shops in Franklin Park, was received and it was

Voted, To authorize Mr. Pratt to act in accordance therewith.

A communication from Engineer E. S. Dorr, of the Sewer Division, calling attention to a dam across the drainage ditch of Franklin Field, which may cause flooding, especially to Hendrie's place, was received and placed on file, the engineer having stated that there was no danger.

A communication from William D. Mandell renewing his request for a plank walk from Hemenway street to the houses on the Fenway, was received and referred to the superintendent.

A communication from Richard Olney protesting against obstructions to travel on the sidewalk of Commonwealth avenue, during building operations, was received and the superintendent was directed to order the builders to keep part of the sidewalk open with suitable protection to foot travelers.

A communication from the New England Electric Vehicle Transportation Company relative to entering parkways to receive and deliver passengers, was received and referred to the superintendent.

Petitions from Edwin Woods, and others, protesting against the granting of permission to the Boston Transit Company to run their automobiles on Commonwealth avenue; and from G. H. Williams, and others, against the granting licenses for running automobile omnibuses, express or delivery wagons, on Commonwealth avenue, was received and placed on file.

A communication from James H. Stark claiming compensation for negotiating the purchase of land on Columbus avenue, was received and laid over.

The superintendent submitted a report recommending the adoption of Mrs. K. G. Wells' proposition of December 7, regarding the conduct of the Women's Gymnnasium of Charlesbank, the coming year, and it was

Voted, That the plan of the committee of the Massachusetts Emergency and Hygiene Association, for conducting the Charlesbank gymnasium for women during the coming year, as set forth in Mrs. Wells' letter of December 7, be accepted.

A petition from James E. O'Connell, and other members of the New England Ice Hockey League, that more lights be provided at Franklin Field, to permit hockey games to be played in the evening, and the grounds be set apart for this purpose, was received, together with a report from the superintendent recommending that the petition be granted, and it was

Voted, That the Superintendent be authorized to make arrangements for playing hockey on the ice at Franklin Field.

Voted, That hired teams be paid at the rate of $\frac{8}{9}$ of a day for 8 hours work.

Voted, That the superintendent be authorized to purchase 4 sprinkling wagons, 2 low bed wagons, 4 single horse wagons for handling light material, 2 contractors' wagons and 1 truck, at an estimated expense of $2,815.00; also to purchase 2,000 tons of trap rock, at about $1.50 per ton, for surfacing Commonwealth avenue and other drives where travel is heavy; and the North American Silva by C. S. Sargent.

EXHIBIT NO. 78.

Park Department Order of Business, March 5, 1900.

1. Reports and plans from Superintendent.
2. Common Council order requesting that the Park Commissioners purchase the Marcella-street Home and grounds, and erect thereon an open-air gymnasium and bath-house.
3. City Council order requesting that the Columbus-avenue Playground be put in condition for use.
4. Communications from Councilman Walter E. Henderson requesting that the subject of golf fees be reconsidered.
5. Communication from City Solicitor Thomas M. Babson stating terms of settlement, case Willard Welch, trustee.
6. Communications from Frank N. Nay relating to claim of Mrs. Morrill, formerly Miss Ellen Williams, for the taking of two small parcels of land on Seaver street.
7. Communication from Clifford Devens relating to sewer assessment and interest on estate John Pearce, Roslindale.
8. Communication from James R. Garret relating to terms of settlement with Worthington heirs.
9. Communication from City Conveyancer C. F. Day relating to request of the Boston Elevated Railway Company for buildings on land taken for Columbus-avenue Playground as part compensation for interest.
10. Communication from Western Union Telegraph Company relating to change of wires over the Boston & Albany Railroad at Fenway bridge.
11. Communication from George N. Prouty offering to pay $500 per year for use of that portion of the Williams farm owned by the city, including the buildings.
12. Communication from Police Department acknowledging amended regulations relating to motor vehicles.
13. Communication from Roger F. Sturgis relative to amendment of rules relating to motor vehicles.
14. Requests for hearings: L. A. W., question of repealing rule requiring lanterns on bicycles; Dorchester Gentlemen's Driving Club, speedway on Franklin field.
15. Request of J. Murray Forbes for appointment to discuss question of laying dust on Commonwealth avenue.

Laid Over.

Request Messrs. Orchard & Hewitson and estate John Pearce, for interest on lands taken; also request Edward Orchard, that Board assume taxes and sewer assessment.

EXHIBIT NO. 79.

SUPERINTENDENT'S REPORT OF OPERATIONS,

Week ending April 1, 1899.

FRANKLIN PARK:

Excavating site of proposed repair shops, and filling swamp on Morton street boundary with excavated material.
Building retaining wall at Administration Yard site from boulders gathered in park.
Excavating trench for removal of electric cable at Seaver street.
Digging tree holes and preparing ground for planting.
Laying foundation of wall on Forest Hills street boundary.
General spring cleaning up.
Completed tree cutting for the season.
Building boundary walls, Seaver street (contract).

ARBORETUM:

Filling on proposed line of Bussey street.

JAMAICA PARK:

Planting American Elms at south end Jamaica Pond.
Building boundary walls on Perkins and Prince streets (contract).
Grading on Perkins barn site.

RIVERWAY:

Pruning young trees.

BACK BAY FENS:

Cleaning up and re-arranging shrubberies.

COPP'S HILL TERRACES:

Erecting fences and crestings under contract.

WOOD ISLAND PARK:

Carting and spreading loam.

EXHIBIT No. 80.

PARK DEPARTMENT.

Amount of Pay-rolls and Number of Employees — Week Ending September 7, 1899.

	Amounts.	Laborers.	Specials.
Chestnut Hill	$99 17	7	2
Riverway	897 16	63	17
Franklin Park	2,999 92	192	67
Jamaica Park	1,139 41	58	29
Dorchester Park	126 13	10	1
Charlestown Heights	50 92	3	1
Charlesbank	143 33	6	4
" (women)	62 44	.....	6
Gibson Playground	24 00	2	.....
Wood Island Park	183 90	8	7
Marine Park	166 20	10	3
Water Department	494 26	47	2
	$6,386 84	406	139

EXHIBIT No. 81.

LIST OF MATTERS REFERRED TO SUPERINTENDENT.

1897.

Jan. 19. — Foot-bridges, F. F. (C. C. order), 9–110, report on, 9–113, referred, with power.

W. E. Sheldon, application, refreshments, referred, 9–116, report, 9–120.

Covered sand courts, 9–117, report, 9–122.

Chemical fertilizer, 9–125, authorized, also nursery stock.

Employment, additional men authorized in nursery, 9–130.

Completion, Arborway, from Centre street to railroad, 9–135, loam, authorized, etc.

Relocation, drain and sewer, North End, 9–136, authorized.

Authority to complete Arborway from Prince to Washington street, 9–140.

Employment, suspended men, 9–151, authorized (temporary).

Application, sketching class, 9–151, referred, with full power.

Temporary sanitary buildings, F. F., 9–157, referred.

Drinking fountains, 9–157, Superintendent to consider matter.

Cricket ground (C. C. order), Wood Island, 9–142, referred.

Tree planting, Blue Hill avenue, 9–143, referred.

Fence, etc., Castle Island, Ordnance Sergeant's house, 9–148, authorized.
Privileges, Ordnance Sergeant, Castle Island, 9–148.
Burro privilege (Hudgens), referred, 9–151, referred, with full power.
Lighting Castle Island, referred, 9–154.
Concession, Antonio Gregori, 9–155, report on arrangements.
Temporary sanitary buildings, F. F., 9–157, report, 9–164, vote authorized.
Soda fountain bids, Franklin, 9–154, referred for report.
Electric launches, Jamaica pond, 9–157, referred for report.
Removal stones from walk, Wood Island, authorized, 9–166.
Employment janitor, Wood Island, 9–166, authorized.
Application, Civil Service, 25 men, authorized, 9–175.
Request for completion, traffic road, Arborway, referred, 9–174.
" " Audubon road, referred, 9–174.
Application, stand, referred, 9–176.
Estimates, electric conduits, Jamaica, 9–174, referred.
Hand-ball court (C. C. order), 9–179, referred.
Surfacing M-street playground, authorized, 9–186.
Temporary sheds for boat storage, Jamaica, 9–187, referred.
Authority to spend $5,000 on walks and $250 on building, Wood Island, 9–186.
Request for temporary foot-path, Longwood bridge, referred 9–188.
Underground wires and arc lights, North End, 9–190, referred.
Condition electric lights refectory, referred, 9–191.
Superintendent to prepare M-street playground for use, 9–196.
Additional lights, vicinity Head House, 9–190, referred.
Superintendent to confer with Mr. Sheldon, additional boats, etc., 9–192.
Request sanitary conveniences, Jamaica, referred, 9–193.
Numbers on doors and transfer building, North End, referred, 9–191.
Requisition, 30 men, authorized, 9–199.
Report, roof, refectory, 9–200.
Arrangement plantations, between Forest Hills bridge, confirmed, Professor Sargent, 9–200.
Direct steam connection, etc., North End building, 9–200, authorized.
Playground for children, Fenway, referred, 9–201, referred for report.
Life-saving signals, Head House, 9–201, referred, with full power.
Arrangements, opening bath-house at North End, 9–203, Superintendent directed.
Underground cable, Forest Hills Bridge, 9–208, referred.
Work desirable to be done under appropriation, referred, 9–210, report, 223 (Billings Field).
Driveway, D. S. McDonald, referred, 9–213, 230, work authorized.
Authority to fence road adjoining tracks, Back Bay, 9–213.

Communication from American Surety Company relating to bond, carriage sheds, referred, 9–213.
Improvement, entrance Dorchester Park, shelter and seats, 9–214, vote, 230, authorized.
Plumbing sanitary buildings, F. F., 9–214, authorized.
Discharge, Dennis Walsh, 9–215.
Offer filling M-street playground, F. J. Hannon, 9–218, 219, authorized, measured in fill.
Vote, construction traffic road over hill opposite Arboretum, 9–218, authorized.
Vote, authorizing construction central path, Arborway, 12 feet, 9–218.
Report on application Metropolitan Water Board to lay pipes between Perkins and Washington streets, 9–220.
Offer Street Department to furnish screenings, 9–220, referred.
Plans for playgrounds near O. C. R.R., referred for estimate cost, 9–221.
Request electric lights, Neptune road, 9–221, referred.
Loam authorized for Jamaica Park, vote, 9–236, 251.
Construction, path along Perkins-street shore, 9–237, authorized also loam.
Report and authority to advertise for loam, Jamaica, 9–248.
Preliminary plans, fountains and sanitary buildings, 9–230, submitted.
Requisition for foremen, 9–236, authorized.
Estimates for bandstand, North End, 9–230, and 235, location, referred, with power.
Crusher authorized, 9–230.
Grading and fencing Brighton playground, vote, 9–236, authorized.
Revision plans, plantation, O'Reilly Memorial, 9–237, referred.
Report on accident, C. A. Faxon, Boylston bridge, 9–237.
Protective Coin Lock Device, 9–238, referred.
Fixed seats for parks, model submitted, 9–242.
Insulation, electric poles, 9–243, referred.
Sprinkling park roads Saturday afternoons and Sundays, referred, 9–243.
Engine and boiler, 9–242, purchase authorized.
Drainage, Peters Hill Drive, 9–242, authorized.
Plans, underground sanitaries, 9–248, 251, 253.
Temporary foot-bridge, Longwood avenue, 9–247, report and vote, 9–250, rescinded, 298.
Subgrading driveway by labor, Arboretum, changes circuit drive, 9–255, authorized.
Gates for entrances, Arboretum, 9–260.
Construction path, authorized from Canterbury street to spring, Franklin, 9–251.
Planting, authorized, North End, 9–251.
Condition, sidewalks adjoining N. E. park, report, 9–251.
Bids for fences, North Brighton, 9–255, submitted.
" " M street, 9–255, submitted.

Improvement, border plantations, Fens, 9–256, authorized.
Construction walk, between Franklin Park and Forest Hills arches, 9–254, authorized.
Transfer sheep to Franklin Field, 9–256, authorized.
Drainage, plan and estimate to be prepared for Nazingdale, 9–256, approved, and work authorized, 9–284.
Offers for loam accepted, Jamaica, 9–251.
Vote to macadamize Parkman drive, 9–254, authorized.
Covered culvert, Perkins street to pond, 9–256, bids, 9–276, authorized.
Temporary fence, Perkins street, adjoining pond, 9–270, authorized.
Inspection Nursery stock and purchase authorized $3,000, 9–256.
Report on removal pumping station, 9–255, vote to remove 9–254.
Removal steps and path, Leverett, 9–256, authorized.
Rearrangement walks and filling ponds, Leverett, 9–260, 283, authorized.
Plan and estimate, sanitary building, Leverett, 9–253.
Superintendent to consult Shepley, Rutan & Coolidge, wall or fence between park lands and Morton street at arches, 9–261, 263.
Renewal concession Gregori, Marine, 9–266, authorized.
Lamp locations, Commonwealth avenue, 9–261, 263, referred.
Beach, Marine, 9–264, 281, referred and report.
Vote authorizing construction paths and plantations bordering glade, removal steps Hagbourne Hill, 9–260, vote to fill pond 283.
Plan for draining Nazingdale approved and work authorized 9–284.
Subgrading traffic roads, between Washington and Forest Hills streets, authorized, 9–266.
Report, installation lights, Audubon road, 9–279.
Alterations at Administration sheds, Riverway, 9–270,276, vote 278, authorized.
Plans and estimates, Copp's Hill fence, 9–276, submitted.
Water supply, Copp's Hill, 9–279, authorized.
Estimate cost teams for maintenance work, 9–276, authorized, 278.
Laying gaspipes in roadways instead of loam spaces, 9–279.
Walks around pools, Marine Park, authorized, 9–284.
Vote authorizing laying foundation wall between Arborway and Morton street by day labor, 9–283.
Arrangement with Bernard McNulty to act as overseer during recovery from accident, 9–285.
Plan, Morton-street wall, 9–294, proposals authorized, 10–35.
Land for Industrial Aid Society, referred, 9–290, report, 9–292.
Offer, Edward Welch (Brighton), 9–230, authorized.
Estimated expense grading and fencing three acres, Brighton, vote, 9–236, authorized.
Vote, filling Brighton playground, 9–293, authorized.
To consult Mr. Longfellow regarding designs for gates, A. A., 9–263.

Plan, carriage sheds, Jamaica, work authorized, 9–284.
Lines, Columbia road, 9–193, referred for report.
Tree planting, Columbia road, 9–295, report, 10–2, 43.

1898.

Report on construction appropriation, 10–1.
Purchase horses and sprinkler wagons, authorized, 10–3.
Vote to reduce working force within appropriation for maintenance, 10–3.
Rearrangement electric wires, Pine Bank house, authorized, 10–6.
Report on flooding portion New England Park, building dam, for skating, 10–4.
Conference with Mr. Canning on suspended men; recommendation half time and suspended list, 10–6.
Proposal, Holbrook, Cabot & Daly, filling Billings field, 10–6.
Alternative sketches Brighton playground, referred for report to superintendent, 10–7.
Baseball, Dorchester Park, referred, 10–7, report, 10–14.
Railing, corner Charter street and Lime alley; division fence paving yard, 10–7, referred.
Transfer, J. P. Dinand, 10–8, authorized.
List mechanics for Mayor, 10–8.
Report on tree cutting in reply communication W. H. Reynolds, 10–13.
Observation tower, 10–15, referred.
Skating, M-street playground, 10–15, referred.
Transfer grounds, Chestnut Hill, 10–16, report on transfer, cost involved, 10–31.
Electric lights, Neptune road, 10–17, referred for report.
Request C. M. Ripley for walk to Abbotswood spring, 10–17, referred with full power.
Report on proposal Holbrook, Cabot & Daly filling, Brighton, authorized, 10–18.
Compensation, teamsters, 10–18, authorized.
Revised grading plan and estimate cost North End, 10–22, 25 (plan presented), adopted, 10–42.
Grading plans adopted, Fellows street, superintendent to lay out grounds when funds are available, 10–25.
Purchase teams and outfit, maintenance work, Franklin Park, 10–25, authorized.
Report on bills Suburban Light and Power Company, Franklin, 10–28.
Plan from Street Department for drainage area Fens, referred to superintendent, 10–28.
Common Council order cost bicycle track, Marine Park, referred to superintendent, 10–29, report, 10–31.
Recommendation, shelter, Franklin Field, 10–31.
Substitution triangles for circles, Walnut-avenue entrance, 10–31, authorized.

Timber tree plantations south side refectory, 10–31, plan requested.
Proposition Protective Coin Lock Company accepted, 10–34.
Ex. circular, annual estimates, 10–35.
Proposals authorized, Morton-street wall, 10–35.
Fence, Fellows-street Playground, 10–36.
Superintendent to secure proposals for steam roller, 10–37.
Bids presented, Pioneer Iron Works, accepted, 10–38.
Bids for wall Arborway, 10–38.
Tile drains Wood Island, vote authorizing $800, 10–39.
Offer Superintendent Streets, stone screenings, 10–40, referred.
Grading St. Martin street section, 10–40, referred.
Common Council order ball ground, Gibson, 10–40, referred.
Removal building, Main and Alford streets, 10–42, referred.
Requisition for 15 men, authorized, 10–43.
$1,500.00 authorized for trees and shrubs, 10–43.
Backstops and water, Gibson, 10–43, report, 10–66.
Iron fence top of quarry Franklin Park, authorized, 10–43.
Superintendent to plant trees on Commonwealth avenue, 10–44.
Request, C. U. Cotting for planting strip, 10–44.
Vote, directing building walls and planting borders to Morton and Canterbury street lines; also to lay foundations of walls wherever the disposition of loose stones will permit, 10–44.
Removal band stand, North End; seat northerly pier; electric lights, 10–47, referred.
Request, E. M. Brewer, sidewalks between Pond and Centre streets be built up to finished grade and surfaced, 10–48, 10–50, authorized, 10–65.
Fenway, loam space between Boylston street and Westland avenue, increased, 10–49, authorized.
Request for hand-ball court, Charlestown, 10–49, cost 10–59.
Employment, 25 additional men authorized, 10–50.
Condition water, Riverway and Leverett pond, Engineer's report, 10–51.
Running track, plans, etc., Fellows, 10–53, referred.
Surface covering promenade Commonwealth avenue, 10–56, referred.
Benches on pier and swimming raft, North End, 10–58, authorized.
Construction temporary bathing beach, Charlestown Heights, 10–58, authorized.
Removal wooden steps, Pond street, 10–59, authorized.
Welsbach burner, Charlesbank, 10–59, authorized.
Laying pipes and hydrant, Pine Bank house, 10–60, referred.
Swimming pool, plans to be prepared, Billings, 10–60.
Construction, landing and refreshment booth, North End (Communication, Sturgis), 10–60.
Erection fences, Cambridge and Leverett streets, 10–62, authorized.
Canvas shelter boat landing Jamaica, 10–63, authorized.
Purchase horse, 10–62, authorized.
Surfacing Perkins street, between Chestnut street and Parkman road, authorized, 10–68.

Inspection, electric plants, 10–66.
Requisition for 50 men, 10–68, authorized.
Stone screenings, Street Department, 10–68, referred.
Additional lights M Street Playground, 10–64, report, 10–72.
Superintendent to prepare ground for stable Franklin Park, 10–64.
Bids for quarry fence, 10–67, submitted,
Switches for pillar lights refectory, 10–64, authorized.
Spring water, Franklin (playstead), 10–64, referred.
C. C. order for cost fences Charlesbank, referred, 10–66, report, 10–78.
C. C. order, ball grounds Wood Island, 10–66, referred.
Superintendent to provide electric lights Wood Island, 10–69.
Electric lightening beach, North End, 10–69, authorized.
Communication, J. H. Quincy, roadway from Bussey Park to Bellevue Hill, 10–67, referred.
Communication from Chadwick and Stillings regarding completion Fenway on north side Beacon street, referred to Mr. Wheelwright and Superintendent, 10–67.
Communication from Captain Dawson, need additional lights Audubon Road; also Stony Brook and Saddle Path bridges, 10–67, referred.
Advertisement, pumping station and machinery Ward's pond, 10–70, authorized.
Cost installing lights, J. P. and Marine boat landings, and additional lamps Marine Park beach, 10–70.
Resting places for cyclists, 10–71, authorized.
Vote authorizing substitution graduates from Engineering schools for laborers, 10–72.
Outside entrance men's toilet refectory, 10–73.
Removal wooden framework pergola, 10–74, authorized.
Old Walnut street to be abolished, 10–77.
Proposals, for uniforms, vote, 10–74, authorized.
Drinking fountains, vote, 10–74, authorized.
Proposals to be secured for iron fence Paving yard North End, 10–74.
Cost installing electric cable and lights Neptune road, 10–74.
C. C. order, cost shelter, Marine Park, referred, 10–75, referred.
Report on force available to complete work Peters Hill extension, 10–76.
Superintendent to confer with Street Commissioners regarding grade, junction Fairview and Mendum streets, 10–78.
Available force for construction, drives, Jamaica Park, 10–76.
Planted strip proposed, driveway, vote, Wood Island, 10–77, authorized.
Removal Valley gate-houses 10–78, authorized.
Report on fences Charlesbank, 10–78, C. C. order, 10–66.
Telephone connection, City Hall Exchange, 10–79, referred.
Estimated cost extension, Charlesgate, North Beacon, 10–80.
Relaying wooden floor, Commonwealth avenue bridge, 10–81 authorized.
Report rearrangement planted spaces, Boylston road, 10–81, 83.

Vote authorizing uniforms from A. Shuman, 10–84.
Cost planting Long Island, 10–85.
Proposed arrangement trees and tracks Columbia road, 10–81 referred.
Diving floats, Marine Park, 10–81 authorized.
Superintendeut to confer with Lamp Department and Boston Electric Light Company, regarding installation on Audubon road and Commonwealth avenue, 10–84. Report 10–84.
Vote, fountain Perkins and Chestnut streets, 10–83 authorized.
Report, electric lights, Wood Island, 10–84. To confer Boston Electric Light Company, 10–84.
Lamp-posts, Wood Island, 10–87, authorized.
Wooden dials Head House clock, proposition, E. Howard Watch and Clock Company, 10–86.
Head House shutters, 10–119, referred.
Estimated cost construction easterly boundary road, West Roxbury, 10–86.
Lamp-posts Fens, 10–87, authorized.
Vote, authorizing covering culvert, Miss May's land, 10–93.
Appointment two gardeners, 10–93, authorized.
Votes, filling swamp at glade, removal willows, grading and loaming, gravel pits, Morton A. Canterbury street boundaries; working drawings and advertisement for bids for stable, 10–94, authorized.
Grading and loaming land adjoining Perkins and Prince streets, 10–94, authorized.
Flag-staff Charlesbank, C. C. order, 10–95, referred.
Modification contract Longwood bridge, referred for report, 10–97.
Plan and estimate cost, walk southerly line Longwood bridge, requested, 10–120
Raising sewer, parkway at Frances street, 10–99, referred.
Football ground, Gibson, 10–100, authorized.
Electric lights between Playstead and Forest Hills entrance, 10–101, referred.
Slopes and filling, plan cross section near I street, vote approving plan, 10–101.
C. C. order, football, 10–103, report, 10–106, Charlestown Heights.
To make arrangements for lighting driveway between Forest Hills and Valley Gate, 10–103.
Sundry requests, L. E. Bow, children's bathing, referred, 10–105.
Report on examination, Mr. Bow's account, additional cash registers, 10–110.
Superintendent to prepare plans and specifications, Seaver street wall, 10–110.
Cross section, Seaver street wall, referred for changes if necessary, 10–112.
Filling hole Peters Hill drive, 10–110, authorized
Advertisement for bulkhead and filling Fens, authorized, 10–111.
Request for changes, Fenway, widening, curb and shrubbery, refered for report, 10–111.

Superintendent to prepare plans and specifications, Prince and Perkins streets walls, 10–110.
Stable, Jamaica Park, to be torn down and sheds constructed, authorized, 10–111.
Maintenance, estimates submitted, 10-119, approved.
Men to be placed on half time, superintendent, authorized, 10–119.
Superintendent to secure competitive prices winter suits, 10–120.
Superintendent, authorized to build foundations, walls, Forest Hills street, 10–120.
Superintendent authorized to make plan for reconstruction wall along Centre street, boundary Arboretum, 10–120.
Superintendent authorized to advertise for bids construction boundary wall, Forest Hills street including returns, 10–122.
Superintendent to prepare plans and specifications and advertise for bids for wall on Pond street, 10–122.

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Uniforming construction force, 11–4.
Grading, site old stable, Jamaica, 11–7, authorized.
Repairs to old wall, Arboretum, authorized, 11–7.
Superintendent authorized to build bank wall, Franklin Park yard, 11–10.
Report submitted on construction speedway, Franklin Field, and drawing down water, referred to Chairman to transmit to Mayor, 11–14.
Superintendent authorized to purchase horses and wagons, Franklin Park yard, 11–18.
Superintendent to prepare plans and specifications, repair shops and sheds, Franklin, 11–24.
Report from Superintendent on permitting electric wires, Columbia road, 11–24.
Report from Superintendent in relaying main, Dorchester Gas Light Company, Columbia road, 11–24.
Laying out Copley square, referred to Superintendent, 11–24.
Superintendent instructed to confer with Boston Elevated Railway Company regarding poles, Columbia road, 11–26.
Superintendent requested to prepare plans and specifications for filling Fens between Beacon street and Harbor Commissioners' line, and extension Fens channel by underground culverts, 11–28.
Plan and estimate submitted, cost tree planting north side Commonwealth avenue, 11–32.
Superintendent authorized to purchase teams, 11–34.
Superintendent to prepare plans and specifications for walls and advertise for bids, Forest Hills street, Pond street, Perkins street, Centre street, Dorchester park, 11–39.
Superintendent authorized to regulate width of boats, 11–39.
Superintendent authorized to prepare plans and specifications, new wall, Centre street and Adams street boundary, Dorchester park, 11–51.

Superintendent authorized to repair wall, southern boundary Arboretum, and prepare plans and specifications, new wall, Fairview-street entrance, 11–51.
Superintendent authorized to make requisition for fifty men, 11–53.
Superintendent's recommendation regarding fertilizer and supplies, accepted, 11–54.
Superintendent's recommendations adopted, drinking fountain and fixed seats at Scarboro pond; rearrangement drive, North End glade; opening in Dorchester Park wall; erection new pavilion, Jamaica Park, 11–57, 56.
Superintendent instructed to cut trees at Pine Bank, to grade north slope; also trees that are unsightly and interfere with other trees, 11–57.
Superintendent to place permanent stone bounds between Boston and Albany Railroad and Brookline avenue (authorized), 11–57.
Superintendent authorized to order work (wharf drop gearing) done in accordance proposal, American Ship Windlass Company, 11–57.
Voted, that the estimates for park construction be approved, and Superintendent authorized to do the work in accordance therewith, 11–60.
Superintendent authorized to remove trees on Walter and Centre streets, 11–61.
Plans submitted, repair shops, 11–62.
Superintendent authorized to remove band-stand from North End to Marine Park, 11–64.
Superintendent authorized to place benches on crest of beach, North End, 11–65.
Superintendent requested to consider advisability of dredging and repairing beach, North End Park, 11–65.
Superintendent requested to report on latest plan for speedway, 11–66, report, 11–90.
Superintendent instructed to prepare plans for playgrounds, Roslindale and Harvard College lands, on Washington street, 11–67.
Superintendent authorized to advertise for bids for walls, western boundary Arboretum and Sigourney street, 11–70.
Report submitted, oil treatment, roadways, 11–71.
Report, road connection, F. H. cemetery and parkway, 11–71, etc.
Report, boundary walls Morton street be returned of traffic road and road be made a public street, adopted, 11–78.
Superintendent authorized to employ fifty additional men till October 15, 11–77.
Superintendent authorized to use loose stone lying on ground, for repairs and building new walls, Dorchester Park, 11–82.
Superintendent directed to fill up Natural History pools at Leverett Park, and put in drain to take surface drainage, 11–85.

Superintendent directed to grass over walk, Valley Gates; to take away all masonry between roadway at Forest Hills bridge and roadway, except steps, etc., 11–90.

Vote authorizing putting underground wires to Overlook, 11–95.

Superintendent authorized to expend balance appropriation, Gibson playground, in grading and putting ground in order, 11–95.

Superintendent to secure proposals for Strandway fence and Charlestown playground, 11–97.

Superintendent authorized to purchase 2,000 cubic yards loam for Strandway at 75 cents, 11–98.

Superintendent authorized to cut down bank in grading small ponds in Leverett Park, 11–98.

Superintendent authorized to build dams and prepare for skating, 11–105.

Superintendent authorized to lower walk, regrade shore, Jamaica pond, adjoining Pond street, 11–113.

Superintendent authorized to take up portion bridle-path and walks south side Willow Pond road and extend lawn to road; also to take up westerly walk at Ward's pond and replace with loam for planting, 11–113.

Superintendent authorized to take up walk adjoining promenade at Charlesbank and extend lawn space to promenade, 11–117.

Superintendent authorized to construct bridle-path, West Roxbury parkway (natural bridle-path).

Superintendent authorized to do drainage work at Rogers Park, 11–113.

Superintendent authorized to make arrangements for hockey, Franklin Field, 11–127.

Superintendent authorized to purchase sprinkling wagons, etc., at expense estimated at $2,815, 11–127.

December 26, 1899, Superintendent authorized to purchase trap rock for surfacing Commonwealth avenue, at about $1.50 per ton, 11–127.

EXHIBIT NO. 82.

SUPERINTENDENT'S COMMUNICATIONS TO BOARD, FROM JANUARY 2, 1897, TO JANUARY 1, 1900 — J. A. PETTIGREW.

1897.

Report and recommendation appointment of H. J. Koehler as planter, vote authorizing appointment, January 19, 9–109.

Erection foot-bridges across brook at entrance to Franklin Field, from Birch and Lyons streets, report, records, 9–10 and 113.

Report and recommendation, refreshment concession, W. E. Sheldon, granted, 9–120.

List nursery stock, vote authorizing purchase, 9–120.
Report on Mr. Wordell's communication regarding sand courts, 9–122.
Report on special closing-out sale nursery stock, vote authorizing purchase, 9–125.
Report on chemical fertilizer, adopted, 9–125.
Mr. Walsh installed as instructor, Paris-street Gymnasium, with approval of Messrs. Hodges and Stratton.
Lists of trees and shrubs submitted, vote authorizing purchase, 9–130.
Report and recommendation, employment additional men in the Nursery, vote authorizing employment, 9–130.
Purchase shrubs from Arboretum, referred with power, 9–130.
Recommendation promotion, J. B. Shea, authorized, 9–130.
Temporary removal repair shops, Franklin Park to Nursery, estimated cost, 9–134 and 140.
Improvement central promenade, Commonwealth avenue, vote authorizing, 9–142.
Reports on injuries to Comerford & Boyd, vote, 9–163.
Sketch of temporary building, Franklin Field, submitted, vote authorizing erection of two buildings and connecting drain, 9–163 and 164.
Report on application, see-saw quadricycle, 9–165.
Report on launch, Jamaica Pond.
Report on application, J. R. Heard, refreshment stand, Perkins and Chestnut streets, vote refusing, 9–178.
Plan with memoranda building (Covel), Main and Alford streets, 9–178.
Report on various attachments, approved by Mr. Sturgis, North End building, vote authorizing, 9–200.
Report on improvements at Dorchester Park, vote authorizing work, 9–214.
Report on application, Metropolitan Water Board, to lay pipes in parkway between Perkins and Washington streets, 9–220.
Report on pruning tree at request of Mr. Glover, Commonwealth avenue.
Recommendations for works of improvement, with estimates of cost, 9–221. Subsequent votes, 9–237 and 254.
Report on request, D. S. McDonald, for driveway across Audubon road, vote directing work to be done, 9–230.
Recommendation for engine and boiler for crusher plant at Arnold Arboretum, estimates authorized, 9–230.
Report of occurrence that occurred on Riverway, 9–237.
Report on claim, C. A. Faxon, for damages, Boylston bridge, 9–237.
Report on price of loam, Jamaica Park, vote authorizing, 9–248.
Report on building Mosquito Fleet Yacht Club.
Report on removal of pumping station, 9–255.
Report on skate sharpening concession, Franklin Field, 9–262.
Report on construction of paths and plantations bordering Glade, and vote authorizing, 9–260.

Report on gas-pipe locations in roadway instead of loam spaces, vote, 9–279.
Report on water service, Copp's Hill, vote authorizing, 9–279.
Report on installing lights, Audubon road, electric light, au thorized, 9–279.
Report on flooding Billings Field for skating, authorized, 9–283.
Report on laying foundation wall, Morton street, authorized, 9–283.

1898.

Report on deposit of silt at Fens and its removal, 10–1 and 3.
Report on request of Superintendent of Streets for planting plans for Columbia road, with recommendations, approved, 10–2.
Recommendation that services of veterinary surgeon be secured in selecting horses for maintenance work, vote authorizing, 10–3.
Recommendation that four sprinkling wagons be purchased, authorized, 10–3.
Submission of bids for brickwork alterations at Administration Building to fit it for use as stable, lowest bid accepted, 10–2.
Report on proposal from Holbrook, Cabot & Daly for filling delivered at Billings Playground, 10–6.
Report and recommendation on restoration of suspended men on half-time basis, adopted, 10–7.
Report on Common Council order, all-the-year-round bath-house and gymnasium, Mystic Playground, 10–15.
Report on tree-labelling under Woman's Education Association, recommending a further appropriation, adopted, 10–18.
Copy of instructions given to Instructor Walsh, East Boston Gymnasium, 10–17.
Report on proposal from Holbrook, Cabot & Daly, to furnish filling for Billings Field, authorized to accept, 10–18.
Report on selection drivers for park teams, with recommendation regarding pay, vote authorizing, 10–18.
Report on discharge 30 men, 10–18.
Report and revised grading plan North End beach, 10–22, 25, adopted, 10–42.
Communication regarding immediate consideration, subject of silt deposits in Fens.
Report on application J. C. Spillane, for entrance of street into Riverway, 10–24.
Recommendation, purchase teams and outfits, 10–25.
Report on work of laying mains by Metropolitan Water Board, 10–28.
Report on bills, Suburban Light & Power Co., 10–28.
Recommendation, purchase trees and shrubs, authorized, 10–28.
Report on night watchman at North End Park, 10–31.
Report on Fottler & Hendrie, buildings, Franklin Field, 10–31.
Report on transfer, Chestnut-Hill grounds, 10–30.
Report on public landing outside Strandway, 10–31.

Report on petition, locker privileges at Marine Park, for Boston Asylum and Farm School, 10–32.
Report on cost, bicycle track, Marine Park, 10–31.
Recommendation, change plan Walnut Entrance, Franklin Park, to shut out view of shanties, adopted, 10–31.
Report on condition roof and laundry floor, North End, 10–32.
Report on timber, tree plantation near refectory, plan requested, 10–31.
Report on Protective Coin Lock device, vote authorizing, 10–34.
Report on petition, East Boston Cricket Club, to erect building, Wood Island, 10–34.
Recommendation, that proposals be secured for boundary wall, Morton street, vote authorizing, 10–35.
Recommendation, erection fence, Fellows-street Playground, 10–37.
Recommendation, purchase steam roller, vote authorizing, 10–37.
Recommendation, increase pay to Janitor Breen, vote, 10–37.
Report on matter of granting botanical permits, 10–37.
Report on Maintenance Appropriation.
Report on steam roller, recommending purchase, 10–38.
Recommendation, tile drainage, Wood Island gymnasium and ball grounds, vote authorizing, 10–39.
Report on care golf links, authorized to make new arrangements, 10–39.
Bids for steam roller submitted, 10–39, with communication.
Report on visit of Park Superintendents, entertainment authorized, 10–39.
Bids submitted, wall, Morton and Forest-Hills streets, 10–38.
Report on order Common Council, Gibson Playground, backstops and other arrangements authorized, 10–43.
Suggestion that stock be secured for tree planting on Columbia road, 10–43.
Care bicycles, Marine Park.
Report on request to pasture colt at Gibson Playground, 10–44.
Report on request C. U. Cotting for planting strip, vote authorized, 10–44.
Request for 25 men, vote authorizing requisition, 10–43.
Communication, regarding filling North Brighton Playgound.
Communication, purchase trees and shrubs, authorized, 10–43.
Recommendation, erection fence top quarry, Franklin Park, authorized, 10–43.
Recommendation, increased pay to powderman, watchman, 2 gardeners, 1 helper, vote authorizing, 10–48.
Report on A. H. Eichorn's ability to fulfil contract, 10–59.
Communication on Welsbach lighting, Charlesbank.
Report on additional lights M-street playground, authorized, 10–64.
Report on ball playing in Glade, 10–65.
Communication on use of mounds at Charlesbank by children.
Report on surfacing Perkins street, vote authorizing, 10–68.

Recommendation regarding resting places for cyclists, authorized, 10–71.
Lighter or load measurement loam, Eichorn, vote authorizing, 10–71.
Report on letting boats to inexperienced persons, 10–72.
Recommendation, removal old building City Point Rowing Association, vote, 10–72.
Recommendation that graduates from engineering schools be employed in place of laborers to help the engineers, vote authorizing, 10–72, 73.
Communication recommending that permits for motor vehicles be issued only to persons having certificates of competency.
Report on Chestnut Hill grounds.
Communication on Marine Park concerts.
Report on substitution planting space for proposed driveway, Wood Island, vote authorizing, 10–77.
Report on opening golf course Saturday afternoons, 10–78.
Report on poisonous ivy, 10–78.
Recommendation that old Walnut street be abolished, and that it be loamed and planted, vote authorizing, 10–77.
Report on shelter at Marine Park.
Report on use of locker room at Wood Island by Bath Commission, 10–83.
Report on lighting Audubon road, 10–84.
Report on proposition B. E. Light Co., underground service, Commonwealth avenue, Neptune and Audubon roads, 10–84.
Communication regarding surplus material on Harvard street available for use at Brighton playground.
Report on complaint sheepfold, Franklin Field.
Communication regarding culvert on land Miss May, Arborway, 10–93.
Communication accompanying plan and estimate for stable Franklin Park, advertisement for bids authorized, 10–94.
Communication on arrangements with Bath Department for transfer instructor for gymnasium, winter season, 10–105.
Recommendation regarding increase in salary, J. W. Bowler, 10–99, adopted 106.
Communication on salaries and winter vacations athletic instructors.
Communication on lighting driveway between Forest Hills bridge and Valley Gate, vote authorizing, 10–103, request L. A.W.
Report on park uniforms, with recommendation, vote, 10–104.
Report on request Mass. E. & H. Association to hold winter classes, vote, 10–103.
Report on standing W. A. & H. A. Root, vote, 10–109.
Report on examination account L. E. Bow, head house, 10–110.
Recommendation that Edward Carty be promoted to teamster, under civil service rules, vote, 10–114.
Report on underground wires, Dorchesterway and Columbia road, B. E. L. Co., 10–115.
Report on Mr. Thayer's petition side road, Fenway, widened.

Report on petition Boston Water Power, widening sidewalk, Boylston road.
Report on matter of winter suits, 10–120.
Estimates for maintenance submitted, approved, 10–119.
Report on division fence, Franklin Field, 10–120.
Report on Jamaica Park wall bids, 10–119.
Report on reducing force, vote, 10–119.
Report on construction balance.
Report on skating at Gibson playground.
Report on accident to Mr. Peters.

1899.

Report on claim, Nute Hallett & Company, for compensation for loss of horse, 11–1.
Report on repair old Arboretum wall where necessary, 11–7.
Report on heroism, N. J. Wallace and others, Leverett Pond accident.
Request for authority to grade site of old Perkins stable, J. P., 11–7.
Recommendation, acceptance proposal, D. F. O'Connell, to remove wall on Perkins street, 11–7.
Recommendation, increase pay two gardeners, 11–7.
Various reports on dredging dock, Fiske wharf.
Report on polo playing at Wood Island, 11–13.
Report on building retaining wall for bank behind new stable, Franklin, authorized, 11–10.
Report on Council orders for various skating places.
Report on Council order that lights be furnished for skating at Charlestown Playground.
Report on Council order for speedway, Franklin Field, 11–14.
Report on overflowing of low grounds in vicinity Lauriat avenue, 11–14.
Report on application, Boston School Cadets, to signal in Franklin Park, vote 11–17.
Recommendation, purchase horses and wagons, vote authorizing, 11–18.
Report on bill, Suburban Light & Power Company, for service of transformer at refectory.
Report on cost of "keep and care" of park teams.
Report on cost, constructing and maintaining public landing outside the Strandway.
Report on dredging, Fiske wharf, pile butts.
Report on petition, Boston Asylum and Farm School, for locker privileges.
Report on request Massachusetts Pipe Line Gas Company, for permission to lay mains across corner Charlestown Playground, 11–20.
Report on application Western Union Telegraph Company, wires, Forest Hills bridge, 11–21.
Report on petition, East Boston Cricket Club, for permission to erect a building at Wood Island Park.

Recommendation for abatement assessments levied on employees' salaries, 11–21.
Recommendation, purchase wild geese, etc., 11–21, vote authorizing.
Report on telephone and telegraph wires, Columbia road, 11–24.
Request for authority to prepare plans of sheds and shops, Franklin Park, for consideration of Board.
Report on proposed gas tunnel, Charlestown Playground, 11–24.
Report on poles, Columbia road, Boston Elevated Railway Company, 11–26.
Report on Massachusetts Pipe Line Gas Company's request to lay mains in Charlestown Playground, with suggested compensation, vote ——28.
Agreement with Willie Campbell submitted, 11–39.
Report on application, Sewer Division, for approval plans for sewer to drain Yacht Club sites, 11–32.
Report on danger of loss of life by use of canoes, Jamaica Pond, 11–39.
Recommendation that William Fischer be given a week's vacation, 11–41.
Report on examination of proposals and samples, tools, etc., 11–54.
Report on method of obtaining bids for fertilizer, 11–54.
Report on location, Columbia Yacht Club House, building line, 11–56.
Report on request for opening Dorchester avenue end of park.
Report on request, Roslindale Drum and Fife Corps to drill.
Recommendations: removal standpipe, Commonwealth avenue; changes in curb line and tree space, Audubon road and Peterborough street; no expense incurred with reference to Bath Trustees with reference to hauling sand or shingles to bathing beach, Wood Island; drinking fountain and fixed benches, Scarboro pond; re-arrangement driveway, north end glade; opening at Dorchester Park, North end, for pedestrians; omission coping, Perkins wall; erection pavilion, Pine bank, 11–56.
Report on inquiry, Roslindale Citizens' Association, relative to improvement West Roxbury parkway, 11–60.
Report on cost, preparing Franklin Field for polo, 11–60.
Report on aquatic sports, J. P. Carnival Association, July 4th, 11–58.
Report on band-stand, Marine Park, 11–64.
Report on permits for motor cycles.
Report on request Trustees Forest Hills Cemetery, for road connection, 11–71.
Report on result of treating roadway with crude oil, 11–71.
Report on communication, W. B. Waterman, planting railroad slope, 11-71.
Report on propositions land owners, Roslindale Playground, 11–71.
Communication on unloading material at Charlesgate.

Communication regarding dial clock, Head-house.
Report on teamsters' request for $2 per day, for 9 hours, 11–77.
Report on stringing temporary overhead wires, Marine Park, 11–78.
Recommendation, that boundary walls on Morton street be returned on the Forest Hills cut-off to the bridge, 11–78.
Report on grading Fairview street, with recommendation to Street Department, 11–78.
Report on locker buildings, Boston Yacht Club, 11–78.
Recommendation, removal fence, Rogers Park, etc., 11–78.
Report on complaint park workmen, that men are prevented from working on rainy days, 11–81.
Report on inquiry Park Department Union, as to whether teamsters could return at their option to laboring work, 11–81.
Report on complaint Board of Health, stagnant water, Rogers Park, with recommendation, 11–82.
Report on sidewalks, Dorchesterway, 11–82.
Report on delay in work under Whittemore's contract, Canterbury street wall, 11–82.
Report on cutting down Prince street wall, 11–82.
Report on building and repairing walls, Dorchester Park, 11–82.
Report on request Postal Telegraph Company, to lay conduit across Edward Everett square.
Recommendation, increase in wages employees, 11–90.
Report on heating building, Charlesbank, for evening classes, 11–89.
Communication regarding wires crossing roadway above bridges on Audubon road.
Communication regarding West Roxbury roads.
Report on Women's Division, Charlesbank management, 11–93 and 95.
Report on request S. J. Donovan, to dig sand on Strandway, for use on contract at Ninth street, 11–93.
Communication on dumping material at Charlestown Playground.
Approval Engineer's recommendation, Strandway fence, 11–93 and 95.
Report on grade, Mendum street.
Report on gutter, Talbot avenue, 11–104.
Report on winter classes, Charlesbank, cost heating.
Report on Mr. Meany's offer loam, Strandway planting, 11–98.
Grading at small ponds, Leverett Park, 11–98.
Report on request Home Improvement Committee, East Boston, tree planting at Reservoir, request for 25 trees.
Report on request hitching-post, Dorchesterway, 11–104.
Report on C. C. order, leasing Churchill's Field, for skating, 11–103.
Report on application Arthur Timmins, telephone booth, Comwealth avenue, 103–4.
Report on cost putting playgrounds on Washington street in condition, 11.
Report on voting booth location, Commonwealth avenue, 11–104.

Report on request Mrs. Brewster, fence boundary line property.
Report on skating privileges, 11–105.
Agreement with Bath Commission, regarding salaries instructors, 11–105.
Report on fences, Charlestown Heights and Strandway, 11–106 and 107.
Report on planting trees, Commonwealth avenue, curb line.
Report on drainage and fence, Rogers Park, 11–113.
Report on picket fence, Charlestown Playground, 11–116.
Report and recommendation, abolishment walk, Charlesbank, 11–117.
Report on Charlesbank classes, 11–117.
Report and recommendation, telephone wires, Fens, 11–120.
Report on plan for parkway connection with Metropolitan Park boulevard, 11–120.
Report on conference with Metropolitan Water Board Engineer, on change of line of Beacon street, 11–120.
Report on request Metropolitan Water Board, to dump stone on line of site for new shops, Chestnut Hill Reservoir.
Report on temporary telephone location, Fens, 11–120.
Report on cost natural bridle path, West Roxbury parkway.
Report on obstruction sidewalks, Commonwealth avenue, by builders.
Report on nursery stock. Authorized.
Report on request of Mr. Mandell, plank sidewalks between Fenway and Hemenway street, 11–124.
Estimates for maintenance, 11–124.
Communications on construction work.
Report on Women's Division, Charlesbank, 11–127.
Report on petition for additional lights, Franklin Field, for game of hockey, 11–127, Dec. 26, 1899.

Total number of reports from Jan. 4, 1897, to Dec. 31, 1899, 245.

EXHIBIT NO. 83.

SAMPLE REPORT OF SUPERINTENDENT.

[COPY.]

CITY OF BOSTON.

BOARD OF PARK COMMISSIONERS,
JAMAICA PARK, August 2, 1897.

THE BOARD OF PARK COMMISSIONERS, BOSTON:

GENTLEMEN, — Your Superintendent herewith begs to submit recommendations for works of improvement, together with estimates of cost for same, as follows:

JAMAICA PARK.

The macadamizing of the Parkman Drive could now be done economically, in connection with the other roads now in process of construction. The quarry is producing at present a large quantity of stone of an inferior quality, only fit (when coarsely crushed) for road ballast. An outlet is needed for this product to save piling out, which entails rehandling. It is expected the Metropolitan Water Board will have laid their pipe on this driveway by the first of September; the ballasting could follow closely, utilizing for packing any surplus gravel left by them, of which there appears to be a quantity of good quality at the North End. To bridge over any interval, the sub-bed of the Peters Hill drive could be utilized for the disposal of ballast, and the crushing of good stone for the wearing surface of the roads be proceeded with as suitable stone might be obtained.

The completion of the connecting walk between Pine Bank and the Parkman Drive along the shore at Perkins street would be a desirable thing to do, the loaming and planting could then be easily done on that boundary, and with the completion of the work on the western or Prince street side of the pond would add a very pretty piece to our walks and drives. The narrowness of the road (Perkins street) makes this walk especially desirable.

The tearing down of the old barn and summer houses at Jamaica Park is recommended. They are old, rotten, unsightly, and entirely out of place. Shed room for four horses and traps is all that is required, the most convenient place for which would be near the building, the barn being very seldom used.

Storage shelter for boats may be of a temporary character and may be located anywhere handy, or the Williams barn, West Roxbury Parkway, could be used; it is commodious enough to take in all the boats in the service of the Department.

THE ARBORWAY.

The necessity for a walk between Franklin Park and the Forest Hills arches is very great; pedestrians there are compelled to use the driveway, and travel is dangerous for drivers, cyclists and pedestrians alike. The construction of this walk is strongly recommended.

WARD AND LEVERETT PARKS.

The old wooden building at this point is an eyesore and for all practical purposes can easily be dispensed with; its removal is recommended.

On the west side of the hill between Ward and Leverett ponds two walks parallel each other, running closely together; they are curbed and retained with large rough stones laid up roughly and spoil the effect of a pretty wooded slope as seen from the drive. The abolishment of the upper one (which has neither been completed nor used) would be a decided improvement, and it is, therefore recommended.

A flight of granite steps and a portion of the walk at the top leading therefrom, located near the junction of the Brookline Parkway with our parkway at Leverett Park, can be dispensed with to the decided improvement of the point, which is unnecessarily gashed by this opening instead of being an unbroken grassy slope; their removal is recommended.

Respectfully submitted,

(Signed) J. A. PETTIGREW,
Superintendent.

[COPY.]

BOARD OF PARK COMMISSIONERS.

JAMAICA PARK, June 20, 1898.

THE BOARD OF COMMISSIONERS, DEPARTMENT OF PARKS, BOSTON:

GENTLEMEN, — I would recommend the passage of an order for reconstructing or surfacing Perkins street, between the old gatehouse and the entrance to the Parkman Drive, abolishing the gutter on the south line and conveying the drainage of half the roadbed down the planted bank. With the passage of this order the work can be done when the surface dressing is laid on the Parkman Drive, and the whole completed in one operation.

Respectfully submitted,

(Signed) J. A. PETTIGREW,
Superintendent.

December 13, 1899.

CHARLES E. STRATTON, ESQ., *Chairman:*

DEAR SIR, — Attached are lists of nursery stock selected from the stock of various nurserymen, on personal inspection, which it would be to the advantage of the Park Department to order purchased now, for spring delivery. Prices of many things have been arranged for at special rates. A great part of the material is needed for planting in the spring; ground already prepared, and the remainder for stocking the nurseries of the Department. By ordering now, disappointment may be avoided.

Very respectfully,

J. A. PETTIGREW, *Superintendent.*
Per Stenographer.

(Approved) C. E. STRATTON, LABAN PRATT.

Samuel Moon, Morrisville, Pa.

500	European beech	2 to 3 ft.		$50 00	
750	Mossy cup oak	2 " 3 "		112 50	
50	Viburnum tomentosum,			9 00	
25	Populus niven	8 " 10 "		6 25	
200	White fringe	2 " 3 "		16 00	
					$193 75

W. H. Moon Co., Morrisville, Pa.

300	European hornbeam	2 to 3 ft.		$60 00	
300	Willow oak	2 " 3 "		120 00	
300	Red oak	4 " 5 "		150 00	
300	Pin oak	2½ " 4 "		75 00	
300	Scarlet oak	4 " 5 "		150 00	
50	Willow oak	2 " 3 "		20 00	
300	Oriental sycamore	6 " 8 "		105 00	
500	Tulip poplar			75 00	
500	American linden	4 " 6 "		90 00	
500	White ash	4 " 6 "		40 00	
					$885 00

Biltmore.

500	Acer Penn.	6 to 12 ft.	at $2 00	$10 00	
1000	Sweet birch	2 "	" 3 00	30 00	
1000	American chestnuts,	2 " 3 "		10 00	
1000	White ash	2 " 3 "		30 00	
1000	Bitternut	2 " 3 "		10 00	
500	Black walnut	3 " 4 "		10 00	
20	Populus simonsii	5 " 7 "		1 00	
5000	White oak	seedlings	" 4 00	20 00	
6000	Scarlet oak	"	" 4 00	24 00	
6000	Chestnut oak	"	" 4 00	24 00	
6000	Red oak	"	" 4 00	24 00	
2000	Black oak		" 4 50	9 00	
300	Broad leafed lindens,	"	" 2 50	7 50	
1000	River birch			27 00	
1500	Black haw			25 00	
200	Crab apple (sweet)			20 00	
150	Callicarpa			9 00	
10	Cliftonia monophylla,			1 00	
20	Cormus — stricta and officinalis,			2 25	
250	Thorus (punctata)	1 to 2 ft.		10 00	
200	Mountain holly	6 in.		3 00	
35	Stuartia			2 50	
					$309 75

Hoopes Brothers & Thomas, West Chester, Pa.

1000	Florida dogwood	3 to 4 ft.		$200 00	
600	European linden	7 " 9 "	at 35c	2 10	
500	Red maple		about 30c	150 00	
500	White fringe	2 to 3 "		75 00	
500	White pine	2 " 2½ "	at 14c	70 00	
1000	" " (small)		about	100 00	
1000	Norway spruce	5 " 6 "		60 00	
200	Red maple	4 " 6 "	at 30c	60 00	
300	Silver maple	4 " 6 "	" 20c	60 00	
100	Viburnum tomentosum,	18 " 30 in.		15 00	
500	Ampelopsis vietchii,	4 "	pots	32 00	
400	Honeysuckles			38 00	
100	Viburnum lantana	3 to 4 ft.		8 00	
					$1,078 00

EXHIBIT NO. 84.

(EXTRACT FROM RECORDS OF PARK COMMISSION.)

[COPY.]

Records, April 13, 1888. (Commissioners, Messrs. Dean, Maguire and Andrew.)

"The following was received:

"*To the Honorable the Board of Aldermen of the City of Boston.*

"We, the undersigned citizens of Boston, respectfully ask for a fair division of the work now being done on the Parks and Paving Departments. As the matter now stands a few men with a great many teams get nearly all the work while we who only own one or two teams receive but a mere trifle.

Michael Finnerty, Michael Magee,
John H. Mee, Wm. Galvin,
Patrick Condry, Thomas Lally,
James W. Lakin, and several others.

"Read and referred to Paving Department.

"City of Boston, In Board of Aldermen, February 13, 1888.

"Referred to Committee on Parks. J. H. O'Neil, City Clerk.

"By vote of the City Council on the 22d March, 1888, the within petition was referred to the Park Commissioners.

Attest. J. T. PRIEST,
Assistant City Clerk."

EXHIBIT NO. 85.

(EXTRACT FROM RECORDS OF PARK COMMISSION.)

[COPY.]

Records, March 10, 1890. (Commissioners, Messrs. Dean, Fenno, and Livermore.)

Voted, That a notice in the following terms be published in the "Herald," "Globe," "Record," and in West Roxbury and South Boston papers:

CITY OF BOSTON, DEPARTMENT OF PARKS.

NOTICE TO OWNERS OF TEAMS.

Horses and carts will be hired for work in Back Bay Fens, Arnold Arboretum, and Franklin Park, during the year 1890, in the following manner only:

Applications will be received at the office of the Park Commissioners, No. 87 Milk street, until two o'clock P.M. of Monday, March 24, 1890 from those owning teams suitable for the work of the department. A list will then be made of those so applying and those already in the employ of the department, and a number will be publicly drawn by lot for each person on the list; teams will thereafter be hired in the order of the numbers drawn, but no team discharged for cause other than lack of work shall keep its number.

EXHIBIT NO. 86.

(SAMPLE APPLICATION FOR TEAM WORK.)

CITY OF BOSTON—PARK DEPARTMENT.

APPLICATION FOR TEAM WORK.

DIRECTIONS.

1. All the statements in this application shall be made and signed by the applicant.
2. A false statement knowingly made in this paper, or connived at in any certificate which may accompany the same, is good cause for exclusion from the eligible list, or discharge during or after employment.
3. Applications, after being filled out, must be left in person at the office of the Board of Park Commissioners, Pine Bank, Jamaica Park, with a properly receipted tax-bill, for the previous year, of the property referred to in the application.
4. A failure to fill properly the blanks, or to furnish satisfactory certificates, will cause the application paper to be rejected. Applications which are unaccompanied by the tax-bill referred to, or which show that the applicants lack the qualifications necessary will be rejected.
5. Applications will be received only from actual owners of suitable teams, who will engage to supply a driver at least twenty-two years of age, and otherwise satisfactory to the Board.

APPLICATION.

N.B. — Each question must be answered.

I hereby make application for team work in the Park Department.

As a part of my application I declare the answers to the following questions to be true.

(1) Where do you reside? [Give street, number and ward.] 85 Liverpool street, East Boston.

(2) How long have you been a resident of Boston? 40 years.

(3) How long have you been a resident of Massachusetts? 40 years.

(4) Are you a citizen of the United States? I am.

(5) Is your business, that of teaming? Yes.

(6) Where is your stable? Rear 85 Liverpool street.

(7) Have you a partner? No.

(8) What is his name?

(9) Where is his residence?

(10) Do you own teams in your own name? Yes.

(11) How long have you owned them? Fifteen years.

(12) Are you taxed for them? Yes.

(13) How many horses have you? Eight.

(14) How many single carts have you? Four.

(15) How many double carts have you? Four.

(16) To what parks will you send teams? Any. East Boston, Charlestown preferred.

(17) Will you furnish double or single? [As only one team will be employed on this application, state which you will furnish, a double or a single.] Double.

(18) Have you any other business than that of teaming? [If so, state what it is, and whether for your own account or whether you are employed by another.] No.

(19) Have you ever filed an application for team work in this Department? [If so, state whether or not you were employed.] Yes. I was.

[SIGN YOUR NAME IN FULL.] THOMAS F. WALL.

N.B.—Before delivering this application to the Commissioners see that you have fairly answered every question; that all blanks are properly filled, including the certificates printed on the back, and that you have the tax-bill above referred to, as otherwise the application will not be accepted.

N.B.—The persons who sign the following vouchers are notified that they may be called upon to furnish further information concerning their knowledge of the applicant or to have the certificates published for public information.

CERTIFICATES.

DIRECTIONS. (1) Not less than two persons must certify to the character of the applicant, and that he is legitimately in the teaming business.

(2) They should be citizens of good character and standing in the community where they reside. If related to the applicant the relationship should be stated.

(3) Each blank below must be filled as accurately as practicable.

1. I [being more than twenty-five years of age] have been a resident of for years last past. I am personally acquainted with , the applicant aforesaid; and I do state upon honor as follows:

(1) That I have known said applicant well since

(2) That I have read the application of said applicant, and believe each of the statements made therein to be true.

(3) That said applicant is now in the teaming business, to my personal knowledge.

(4) That said applicant is, to my knowledge, of good character and repute in the community where he lives.

(5) That discreet men would have no good cause to refuse, and I would not refuse, to employ the applicant in private work.

(Signature.)

(Post office address.)

(Occupation.)

---

1. I [being more than twenty-five years of age] have been a resident of East Boston for 37 years last past. I am personally acquainted with Thomas F. Wall, the applicant aforesaid; and I do state upon honor as follows:

(1) That I have known said applicant well since 1875.

(2) That I have read the application of said applicant, and believe each of the statements made therein to be true.

(3) That said applicant is now in the teaming business, to my personal knowledge.

(4) That said applicant is, to my knowledge, of good character and repute in the community where he lives.

(5) That discreet men would have no good cause to refuse, and I would not refuse, to employ the applicant in private work.

(Signature.) ROBERT J. GOVE,
(Post office address.) 212 Border street,
(Occupation.) Coal and Wood Dealer.

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1. I [being more than twenty-five years of age] have been a resident of East Boston for 35 years last past. I am personally acquainted with Thomas F. Wall, the applicant aforesaid; and I do state upon honor as follows:

(1) That I have known said applicant well since 1880.

(2) That I have read the application of said applicant, and believe each of the statements made therein to be true.

(3) That said applicant is now in the teaming business, to my personal knowledge.

(4) That said applicant is, to my knowledge, of good character and repute in the community where he lives.

(5) That discreet men would have no good cause to refuse, and I would not refuse, to employ the applicant in private work.

(Signature.) FREDERICK W. DAY,
(Post office address.) 235 Meridian street,
(Occupation.) Druggist.

EXHIBIT NO. 87.

LETTER INVITING PROPOSALS FOR SUMMER UNIFORMS.

[Copy.]

April 20, 1899.

BROADWAY CLOTHING COMPANY:

Gentlemen, — Do you wish to figure on the summer uniforms for this department? If so, you may see samples, etc., at the office of the Park Department, 64 Pemberton Square, Boston, Saturday, April 22nd, between 9 and 12 o'clock.

Yours respectfully,
H. L. OGDEN, *Purchasing Clerk.*

A. Shuman,
Leopold Morse & Co.,
North, Fiske & Co.,
Spitz Bros. & Mork,
Oak Hall Clothing Company.

EXHIBIT NO. 88.

LIST OF TOWNS WHERE LAMP ORDINANCE IS ENFORCED.

Albany, N. Y.
Auburn, N. Y.
Asbury Park, N. J.
Atlantic City, N. J.
Altoona, Pa.
Akron, Pa.

Baltimore, Md.
Battle Creek, Mich.
Benton Harbor, Mich.
Bay City, Mich.
Bedford, Ind.
Bloomington, Ill.
Belleville, N. J.
Brooklyn, N. Y.

Chicago, Ill.
Cleveland, Ohio.
Cincinnati, Ohio.
Columbus, Ohio.
Cedar Rapids, Iowa.
Cumberland, Mich.
Caldwell, N. J.
Cranford, N. J.
Columbia, Ind.
Cornwall, N. Y.

Des Moines, Iowa.
Davenport, Iowa.
Detroit, Mich. (Sidewalk only.)
Dallas, Texas.
Dixon, Ill.
Dayton, Ohio.

East Orange, N. J.
Elgin, Ill.
Evanston, Ill.
Englewood, N. J.
Elmira, N. Y. (Sidewalks only.)

Fort Wayne, Ind.
Far Rockaway, N. Y.
Flushing, N. Y.

Forest Hill, N. J.
Fargo, N. D.
Fond du Lac, Wis.

Galveston, Texas.
Glen Ridge, N. J.
Goshen, N. Y.
Glencoe, Ill.

Hagerstown, Md.
Hamilton, Ohio.
Hoboken, N. J.
Harrisburg, Pa.
Honesdale, Pa.
Hampton, Va.

Indianapolis, Ind.
Ithaca, N. Y.

Jacksonville, Ill.
Joliet, Ill.
Jersey City, N. J.
Jackson, Mich.

Kenilworth, Ill.

Little Falls, N. Y.
Lansingburg, N. Y.
Louisville, Ky.
Lancaster, Pa.
Lykens, Pa.
Lansdowne, Pa.
Logansport, Ind.
La Fayette, Ind.
Lynchburg, Va.
Laurel, Md.

Minneapolis, Minn. (Parks and pathways.)
Metropolis, Ill.
Mexico City, New Mexico.
Michigan City, Ind.
Manasquan, N. J.
Morristown, N. J.
Medford, N. J.

Middletown, N. Y.
Mt. Vernon, N. Y.
Milburn, N. J.
Marietta, Ohio.
Montclair, N. J.

Norfolk, Va.
Newport News, Va.
Newark, N. J.
New York City.
New Orleans, La.
Newburg, N. Y.
Niagara Falls, N. Y.
New Ulm, Minn.

Orange, N. J.
Ottawa, Ill.
Owensboro, Ky.
Oxford, Md.
Oswego, N. Y.

Philadelphia, Pa.
Paterson, N. J.
Passaic, N. J.
Plainfield, N. J.
Park Ridge, N. J.
Perth Amboy, N. J.
Port Jervis, N. Y.
Portland, Ore.
Portsmouth, Va.
Potsdam, N. Y.
Peoria, Ill.
Pittsburgh, Pa.

Quincy, Ill.

Richmond, Va.
Rutherford, N. J.
Roseville, N. J.
Rahway, N. J.
Reading, Pa.
Red Wing, Minn.

Rutland, Ill.
Rondout, N. Y.
Rochester, N. Y.

San Diego, Cal.
San Francisco, Cal. (Golden Gate Park only.)
Savannah, Ga.
St. Paul, Minn.
Sandwich, Ill.
Saginaw, Mich.
Summit, N. J.
Sea Cliff, N. J.
South Plainfield, N. J.
Scranton, Pa.
Spokane, Wash.

Troy, N. J.
Troy, N. Y.
Tiffin, Ohio.
Trenton, N. J.

Utica, N. Y.

Warren, Ohio.
Washington, D. C.
Willsboro, Pa. (Walks only.)
White Water, Wis.
Wooster, Ohio.
Wilmington, Del.
Westfield, Ill.
Winnetka, Ill.
Washington, Ind.
Williamstown, N. J.
West Orange, N. J.
W. Superior, Wis.
Winchester, Va.
Walden, N. Y.
Westminster, Md.
Westfield, N. J.
Webster City, Iowa.
Warwick, R. I.

ORDINANCE, CITY HAVING LAWS NOT ENFORCED.

Bloomfield, N. J.
Bradford, Pa.
Collegeville, Pa.
Coldwater, Mich.
Lima, Ohio.
Lemars, Iowa.
Oswego, N. Y.
South Norwalk, Conn.
Waco, Texas.

EXHIBIT NO. 89.

BOSTON, Dec. 15th, 1896.

J. A. PETTIGREW, ESQ., Brooklyn, N. Y.:

Dear Sir, — Your letter of Dec. 13th was received too late for reply yesterday.

We are sorry to cause any inconvenience to the Brooklyn Park Department, but to cancel at this time our agreement with you would be a great injury to our Park Department, and as officials of the City of Boston we would not be justified in releasing you.

We wish to use all courtesy, and we are ready, as you know, to give you and the new Commissioner all reasonable time to obtain a successor, consistent with the interests of our own parks.

Yours very truly,

CHARLES E. STRATTON,

For the Park Commissioners of the City of Boston.

THIRTEENTH DAY.

CITY HALL, Friday, April 27, 1900.

The hearing was resumed in the aldermanic chamber, City Hall, Boston, at 2 P.M., Chairman NORRIS presiding, and a quorum present.

Appearances. — Same as before.

TESTIMONY OF PATRICK JOHNSON.

Q. (By Mr. MATTHEWS.) Will you state your full name and business, Mr. Johnson, please?

A. Patrick Johnson; mason and builder.

Q. Mason and builder?

A. Yes, sir.

Q. How long have you been engaged in that occupation in Boston?

A. Since 1881.

Q. Have you built many large buildings?

A. Yes. Quite a good many; yes.

Q. You said that you were a stone-mason?

A. Stone and brick.

Q. Have you ever built catch-basins?

A. I have; yes, sir.

Q. Many of them?

A. Yes; a good many.

Q. Have you recently examined the catch-basin built in the Boston Park Department on the roads on Peter's Hill?

A. I did, this morning.

Q. You don't speak quite loud enough.

A. Yes; this morning.

Q. Which catch-basins on Peter's Hill did you examine this morning?

A. We examined all of them.

Q. Every one of them?

A. Every one of them.

Q. All of the catch-basins, on all of the roads on Peter's Hill?

A. Yes, sir.

Q. That is, on all the roads on Peter's Hill that are in the Park Department?

A. Yes, sir.

Q. Will you state what you found the condition of those catch-basins to be?

A. Well, the condition of the catch-basins is very good. The bottom part of all the catch-basins are probably as well as could be laid. Probably the tops are not laid as handsomely as could be laid, but they are well laid, and in substantial condition. The tops of them in a few cases have been affected more or less by the frost, I should say. The material was called to my attention. It was good. I took some of it and broke it off the bricks and put it in my pocket. That (handing cement to Mr. Matthews) is the cement that was taken from two of the catch-basins.

Q. What do you say about the quality of this cement?

A. I should say it was good cement.

Q. What would you say about the quality of the brickwork?

A. The brickwork was good.

Q. And did you see any defective work in any of the catch-basins?

A. Nothing more than the fact that frost and the cold weather has affected some of the tops of them. Where you could get as large a piece as that, it would show that the action of the frost had separated the cement from the brick.

Q. That was in the top part of the basin?

A. Yes, sir.

Q. Would that be apt to happen to any basin?

A. To any basin, in any place.

Q. Did you examine the stone along the wall on Pond street, at Jamaica Pond?

A. I examined the stone pavement on the Jamaica Pond park, at Jamaica Pond.

Q. The stone what?

A. The stone pavement on the pond, on Pond avenue or Pond street.

Q. I don't know that I understand you.

A. That is, the slope of the pond.

Q. The slope wall along the side of Jamaica Pond?

A. Yes.

Q. Did you notice in particular the top course?

A. I did; yes, sir.

Q. Will you describe to the committee the general aspect of the stone in the top course of that wall or slope?

A. Well, the top stone was practically the only finished stone there was in it — that is, the only ones finished with tools. It was probably a square stone, and being on a different angle from a right angle, the top part was cut, forming a level top on the stone.

Q. Did the stone have rectangular edges or sides?

A. Yes, I think so; most of it.

Q. Was there a bevel or slope to it?

A. There was a bevel towards the top of the stone.

Q. Towards the pond?

A. No; the top.

The CHAIRMAN. — Is this the wall which they alleged was thrown into the pond?

Mr. MATTHEWS. — This is the wall of which they allege that the top part was thrown into the pond — the top course merely was thrown into the pond.

The WITNESS. — The face — what would naturally be the face — of the wall was the natural face of the stone, and then the top part was bevelled off — that is, cut with tools.

Q. (By Mr. MATTHEWS.) You didn't see the stones that were thrown into the pond, but similar stones in a different part of the wall?

Mr. LUNDY. — How does he know that?

Mr. MATTHEWS. — Well, I suppose that is an assumption.

Alderman GERRY. — I should think it was — and a pretty large one.

Q. Did you see any of the stone that was actually thrown into the pond?

A. Not in Jamaica Pond. I saw the course that had been laid in the pond. There had been filling put there, but the whole of the second course was not covered.

Q. Where were these stones that you saw at Jamaica Pond that you have just testified to?

A. They were on the slope of the pond, on the line of Pond street, I believe they call it.

Q. When did you see them?

A. Probably three weeks ago.

Q. Were they lying loose on the ground, or in the wall?

A. They were in the wall.

Q. Are those stones there to-day, do you know?

A. I don't know. To-day the whole place is covered over.

Q. Is it the place where these stones were covered over with gravel or loam?

A. Yes, sir.

Mr. MATTHEWS. — That identifies the stone, Mr. Chairman.

Q. Now, will you state to the committee what, in your opinion, the value of those stones was?

A. That is, to take them from where they are, and use them?

Q. Yes.

A. I don't think they would be of any value to anybody to take them from where they are, on account of the expense of taking them out and loading them onto a team. That class of stone can be bought for $2.25 or $2.50 a perch of 25 cubic feet. The expense of loading the stones would be as much as they are worth. There is not enough of them there to pay for setting a derrick up, and that is the only means of handling them. If you had to handle them by hand, you could buy new stone cheaper. In other words, you could not do it for $2.50 a perch.

Q. That is, the cost of handling would be $2.50 a perch, alone?

A. Yes. If I wanted stone I would rather buy them than take those stone as a gift and take them from where they are myself, or with my men.

Q. Have you at any time examined some Roxbury stone or granite that came from certain bridges and culverts in Leverett Park?

A. I saw some stone in what they call Ward's Pond.

Q. How long ago did you see that stone?

A. About three weeks ago — the same time I saw the other.

Q. Was the water over the stone, or below it?

A. Below it.

Q. Was that when the pond had been drained down?

A. Yes, sir.

Q. How many stone did you see exposed there?

A. I think probably 30 perches, or 30 single-horse loads.

Q. How many stone, all told, do you suppose?

A. That I could not tell.

Q. Did you count them?

A. No.

Q. Now, what did you say was the value of those stone, to take away?

A. My opinion was that the best thing that could be done was what was done — to dump that into the pond, if there was no objection to having them in the pond. The stone were of no particular value.

Q. What kind of stone were they?

A. Puddingstone, or the usual Roxbury stone. The same reason would apply to those stones as to the granite. The expense of loading them in and of getting them away would be too great. There was not enough of them to set up a plant to handle them cheaply, and the expense of loading and carting them would be more than they would be worth.

Q. You say the stone are not sufficiently numerous to warrant the expense of a derrick?

A. That is my opinion of it.

Q. You said that the Pond street stone had been worked. Did you see any of the stone here that had been dressed?

A. I saw two or three that had heads cut on them — that is, head-dressed at right angles with the face — two, I think.

Q. What would you say was the value of those stone?

A. Those two stones?

Q. No. What was the value of this Roxbury stone, to sell?

A. I don't think you could give them away. You couldn't give them to me.

Q. Did you see any granite stone lying on Leverett Park at that time?

A. No, sir; I didn't.

Mr. MATTHEWS. — That is all, Mr. Johnson.

Cross-Examination.

Q. (By Mr. LUNDY.) Mr. Johnson, you have made two tours of inspection, have you, to the park system on this matter of stone?

A. No; only one. To-day I went —

Q. You went to Peter's Hill to-day?

A. Yes, sir; and on my way back I dropped in to look at Jamaica Pond.

Q. Why did you do that?

A. So that I should be able to answer your questions intelligently.

Q. You mean Mr. Matthews' questions?

A. Well, either of you, or both.

Q. Now, who sent you out there three weeks ago to examine that stone?

A. Mr. Shea asked me if I would look over the stone.

Q. Did you receive any compensation for going out and looking at the stone?

A. No, sir.

Q. It took some of your time, didn't it, to go out there?

A. Yes, sir.

Q. Have you done any work for the city of Boston?

A. I have; yes, sir.

Q. For the Park Department?

A. I have.

Q. How much in the last three years?

A. About $1,900 worth.

Q. In three years?

A. Yes, sir.

Q. How much of that did you do last year?

A. The whole of it.

Q. The whole of it last year?

A. Yes, sir.

Q. Now, you examined very carefully these catch-basins?

A. Yes, sir; I looked over the whole of them.

Q. And you found the cement to be of excellent quality?

A. Yes, sir.

Q. Now, is it possible to analyze or to determine the quality of cement after it has been in some length of time?

A. Nothing more than to take it and see the strength of it.

Q. And how do you tell the strength of it?

A. Simply take it in your hand. If the cement was bad and it had been disintegrated by the frost, it would be similar to sand. Where it isn't that, it shows that the cement has set well and is of good quality.

Q. Have you any idea who sold that cement?

A. No, I haven't.

Q. You were not told when it was put in?

A. No. I asked that question this morning, when the catch-basins were built, because it makes a great deal of difference. Now, you take mason work, most any kind, and if the mason work is dry, the frost won't affect it. If it is not the frost will take it all to pieces.

Q. Well, I suppose it is absolutely necessary to expose a certain section to the frost, isn't it?

A. Well, it depends on the length of time. You take a catch-basin, built and exposed to the weather and thoroughly dried, and it is very much better than to build it and cover it right in. It depends on the amount of dampness, what effect frost has.

Q. What is your opinion about the location of those catch-basins on Peter's Hill?

A. I don't know why I should have any opinion as to the location. The construction, I should say, was all right.

Q. Why wouldn't you have an opinion upon the location? You have built catch-basins?

A. I have; yes, sir; but you build all that work where you are instructed to build it — that is, generally under an engineer or an architect.

Q. Yes, but I understand that you might have some independent opinion, no matter what the engineer said?

A. Yes.

Q. What would you say as to the location of these?

A. I should say it was all right; but I didn't examine them with that in view.

Q. You examined them to see the quality of the cement?

A. Yes, sir; and to see whether they were sufficiently well-constructed.

Q. Who went with you?

A. Mr. Shea, this morning.

Q. Any other experts with you?

A. Mr. Nawn was there, I believe.

Q. What Nawn is that?

A. Harry.

Q. Harry Nawn. And who else?

A. That is all.

Q. Now, you say that the basins, perhaps, were not handsomely laid. What do you mean by that?

A. The top part looks rather rough. As I understand it, from what Mr. Shea told me —

Q. Never mind what Mr. Shea told you. Give me your opinion as to what you saw. Now, what do you mean when you say that they are not perhaps handsomely laid?

A. I mean that the joints are not struck, or jointed.

Q. How does that happen, in your opinion?

A. Well, it is all right to do it that way. Probably there are more built that way than any other.

Q. Well, is it the proper way to build catch-basins?

A. That would be a matter of opinion for the man to decide who was having the work done. If he wished to have it struck, that would be proper. You probably will find more that are not struck than you will that are struck.

Q. That is, you mean to say that there are more catch-basins built imperfectly than perfectly?

A. No. I say they are both perfect.

Q. Well, what you would call the handsome way is the better way to build them, is it not?

A. I don't know as it is any better. A catch-basin is built for strength, usually. You never see it. It is in the ground.

Q. Then when you made the remark that these things were not handsomely laid, there is no significance to be attached to that at all?

A. Not any.

Q. Not any at all?

A. Not any at all.

Q. Now, the brick wall, you considered perfectly good?

A. Yes, sir.

Q. And you know something of brick walls. So far as you could see and determine, there was no defective work put in there?

A. Nothing that I could see; no.

Q. And you didn't expect to find any when you went there?

A. I don't know why you should draw that inference.

Q. Well, never mind what inference I draw. I am asking you a question.

A. I had no opinion formed before I arrived.

Q. Well, you had certain conversation with Mr. Shea in regard to that?

A. No, I didn't even hear him. I think he telephoned to the office and left word asking me to meet him at Forest Hills this morning, to examine some work.

Q. Didn't he make some explanatory remarks when you were examining the work?

A. No; I examined the work myself — not to me, he didn't.

Q. And you were prepared to arrive at a perfectly independent conclusion?

A. Yes, sir.

Q. Well, you realized that you were not going out there for the benefit of anybody but Mr. Shea and his department?

A. I realized that I was not going out there except for the benefit of you gentlemen. I am here to tell you what I know exactly, and nothing else.

Q. Well, you knew about this investigation taking place?

A. Yes; what I read in the papers.

Q. You never volunteered to the committee to do that, did you?

A. The committee never asked me to do it. If the committee had asked me, I think I would have done the same thing.

Q. Now, you speak about the stone work along the wall on Jamaica Pond. Who showed you the stone in the pond?

A. Mr. Shea.

Q. And that was three weeks ago?

A. About three weeks ago, I should judge.

Q. Well, prior to that, you had some converation with Mr. Shea, didn't you?

A. No, sir.

Q. Well, did you know why those stone were dumped into Jamaica Pond?

A. There were no stones dumped into Jamaica Pond that I know of.

Q. I should say, along Pond street.

A. There were no stone dumped there. There were no stone dumped in the pond that I know of. They were laid in what you would call paving. That is, the slope of the pond was paved.

Q. And that condition, as you saw it, struck you as being perfectly satisfactory, did it? Everything appeared to you to be satisfactory there?

Mr. MATTHEWS. — Well, now, he didn't testify to that. He simply testified to the value of those stone. He wasn't asked whether the condition of things was satisfactory.

Mr. LUNDY. — Well, I am asking him now.

Mr. MATTHEWS. — Well, in what capacity? As an expert in landscape work?

Mr. LUNDY. — No; an expert in the uses of stone.

Mr. MATTHEWS. — What for? Perhaps this witness is competent to testify as to the uses of stone in mason work or in building, but is he competent to testify as to the advisability of making the use of the stone that was made of them?

Mr. LUNDY. — Well, this man certainly knows the difference between the value of granite and marble, for instance. If a landscape architect took it into his head to put marble in there, of course this man could say whether that was a proper thing to do, to dump marble into the pond.

Mr. MATTHEWS. — No stone was dumped into the pond. It was used for a slope. It was built that way. Are you inquiring whether the wall was properly built in the first instance?

Mr. LUNDY. — I am now asking him if the condition of the slope there at the present time is satisfactory to him, from what he knows of slopes and of granite.

Mr. MATTHEWS. — Well, if he can understand your question, I have no objection.

Mr. LUNDY. — Well, he is on the witness stand. You are not in that uncomfortable position.

Q. (By Mr. LUNDY.) What would your answer to that question be, Mr. Johnson?

A. Well, what is the question?

(The stenographer read the question, as follows:)

Q. And that condition, as you saw it, struck you as being perfectly satisfactory, did it? Everything appeared to you to be satisfactory there?

A. Well, I don't think you understand the exact condition of things yourself.

Q. Well, I think that is quite probable; but what is your answer to that question?

A. I cannot answer that question, because I don't know what you mean.

Q. Well, that is all, if you cannot answer it. You have spoken of the value of the stone there, and you placed it at about $2.25 or $2.50 a perch?

A. Yes. That class of stone can be bought for about that price.

Q. And you say that, where they are, you would not take them as a gift?

A. That is what I said.

Q. And you said that the ordinary stone-mason would take that same view of it?

A. I think so; yes.

Q. You have also examined the Roxbury pudding-stone there at Leverett Park?

A. Yes, sir.

Q. And you say you noted about 30 perch of stone dumped into the pond there?

A. Yes, sir.

Q. And you think that is the only proper disposition to make of stone of that quality and of that weight?

A. I think so — if there is no objection to putting them into the pond, I think that is the best thing to do.

Q. That is, if it would not damage the pond, it is a good way of getting rid of the stones?

A. Yes.

Q. You don't know why they took the stone from their original location there?

A. No, I don't.

Q. You were not told why they were thrown into the pond?

A. Well, yes, I was. He told me he put them in there because he thought it was the best way to get rid of them.

Alderman GERRY in the chair.

Q. Did he tell you that the object was to fill the pond or to get rid of the stone?

A. To get rid of the stone.

Q. There was no granite there?

A. I didn't see any; no.

Mr. LUNDY. — That is all.

The CHAIR. — Would any of the committee like to ask Mr. Johnson any questions? (No response.) I would like to.

Q. (By Alderman GERRY.) How old were those catch-basins on Peter's Hill?

A. How old?

Q. Yes.

A. Built last year, I believe.

Q. A little less than a year old?

A. Yes, sir.

Q. And this winter has been a very severe winter, hasn't it?

A. Not very severe. Not as severe as usual. Not nearly as severe as last winter.

Q. Well, it has thrown that cement out of place at the joints, or whatever it may be?

A. Some of it on the face; yes, sir.

Q. Would you be able to tell, from your mere knowledge of brick work, and stone work and cement work, what would have happened to those catch-basins if the winter had been as severe as it usually is in New England?

A. I couldn't; no, sir.

Q. You couldn't tell what would have happened?

A. No, sir; I couldn't.

Q. You think, then, that this winter, which has been a mild winter, has been pretty hard on those catch-basins?

A. No, I don't think so.

Q. You don't think so?

A. Not as severe as it has been on a good deal of other brick work. You can get almost any mason and find him repairing his work this spring — plenty of it, right here in Boston.

Q. Is that usually the case?

A. Usually the case; yes, sir.

Q. You mean in an open winter?

A. In any winter — any time that the temperature goes down below 20, your mason work has to suffer.

Q. Well, I am asking you whether that brick work or that stone work has suffered worse during this mild winter than it would during a severe winter?

A. That is something that I couldn't tell you.

Q. Well, I ask you that question, and, instead of your answering it, you switched off and said that it suffered any time when the temperature goes down below 20.

A. It all suffers by freezing — that is, when the brick work is wet, or green, or new work.

Q. Well, I suppose the colder it is the more suffering?

A. Well, once it freezes I don't know as it makes so much difference. There is a saying that if a cement will freeze, and freeze out dry, it don't suffer at all. That is, if it remains frozen until it dries out, that is all right. That is a feeling among the masons, that if their work once gets frozen,

and remains frozen until it dries out, it is better than by freezing and thawing out.

Q. Then you were somewhat surprised to see the havoc this mild winter made upon those catch-basins?

A. No, sir; I was not.

Q. Have you ever examined those catch-basins in the park system that were built two or three years ago?

A. No, sir.

Q. You simply devoted yourself to Peter's Hill?

A. Just that piece of work there; yes, sir.

Q. So you don't know what the condition of the others is?

A. No, sir.

Q. Now, you give it as your testimony, Mr. Johnson, that those stones that were thrown into Jamaica Pond were of no value to anybody?

A. Yes, sir. I think that stone would cost as much to remove it as it would be worth, and you could get such stones more conveniently by buying them and paying the market price, in both cases.

Q. Supposing you had owned that piece of property there or had one similar, and you took it into your head to tear that wall down, no matter how much it cost — supposing that was a small matter, that you wanted to change it, and that you had plenty of money, and you thought you would change that. Well, now, if that had been yours as private property, wouldn't you have attempted to make some use of that stone?

A. I don't think you could make any use of it to any advantage other than to adopt the course which was adopted. You might use it if you had a place where it would fit in; but to go down into the water and get them I don't think would pay.

Q. Go down into the water and get them?

A. Yes; in the slope.

Q. Well, they haven't got them. They have them to get. They are there now, I think, all of them. They are covered up with loam. I am not talking about those, but am talking about the upper course, the best part of the wall.

A. Well, I should say it was an even-up thing, whether it would pay to use them or not. I don't think you could make any money to take them out. I think you could get stone more suited in Quincy for a little more money, and that it would be much more satisfactory.

Q. And you would not have made a present of those stones to the Street Department, or have broken them up yourself?

A. Well, they are worth perhaps 75 cents a cubic yard right there, to replace the filling.

Q. To replace the filling?

A. Yes. If you take those stone away, you have to substitute material, and that will cost you from 75 cents to $1 a yard.

Q. Well, you have to if you think it is proper, but if you don't, you haven't.

A. I beg pardon.

Q. You say that you have to have the filling there. You mean that you are obliged to do it if you want to keep it at the same grade?

A. Yes. Of course, if you change the grade, it wouldn't matter.

Q. Yes; it is a question of whether you want to change the grade or not; but never mind, that doesn't pertain to you. You said, also, in reference to that stone around Ward's Pond, that it was a great deal better to throw it into the pond than to try to break it up for the roads, or anything of that sort, didn't you?

A. I think so.

Q. Yes.

A. I don't think that stone has any value. That is worse than the granite, in my estimation. It is poor, rotten stone — old field stone.

Q. Roxbury stone, wasn't it?

A. It was a boulder Roxbury, or top of a ledge. It is a stone that you couldn't crush, to use on the road. It is too soft.

Q. Have you any idea of what that stone cost the Park Department when it was put in there?

A. No, sir, I haven't.

Q. Nor the Pond-street stone?

A. No, sir, I haven't.

Q. You live in Brookline, do you not?

A. Yes, sir.

Q. You are a neighbor of Mr. Shea's?

A. Well, I don't know that I am very close.

Q. Well, he is a resident of Brookline, I understand, is he not?

A. I believe so; yes, sir. I have known him since he was a little boy.

Q. And all this work that you have done has been done at the request of Mr. Shea?

A. No, sir; not any of it.

Q. Well, I mean this work of examination, as an expert on stone?

A. Oh, yes.

Q. And you say that you had $1,900 worth of work last year?

A. Yes, sir.

Q. Have you any contracts this year?

A. No, sir. Never had but three in my life.

Q. But you had $1,900 worth of work last year?

A. Yes, sir; but I don't know as that came through the Park Department. I did that for Longfellow, the architect.

Q. Well, it was in the parks?

A. Yes, sir; but my business was with Mr. Longfellow, the architect.

Q. Well, what part did Mr. Longfellow have to do with it? Did you understand what his function was in the Park Department?

A. Architect. He was the architect.

Q. He was the architect for the Park Department?

A. Yes.

Q. Have you any idea why Mr. Shea asked you to go out there and examine that stone?

A. I haven't; no, sir.

Q. And you simply went as a friend of his, didn't you?

A. I went because he asked me.

Q. And you didn't go for the fun of it, but as a friend of his?

A. Well, there might have been a little amusement, too. It wasn't a very heavy matter.

Q. In other words, you went because you wanted to please Mr. Shea?

A. Yes; that is practically it.

Q. Well, you knew that he had a great deal of influence in the Park Department, did you not, and that he might be able to help some of your friends?

A. No, sir. I haven't any friends that I ask the Park Department or any other department to assist — or to assist me, either.

Q. But still the fact remains that he got you to go. He wanted you to go?

A. He asked me to go, and I consented. He didn't ask me to come here. I said that I would, if he wished me to.

Q. You suggested it before he asked you?

A. Yes, sir.

Q. You suggested that you would be willing to come here, and you did that of course, as a matter for the public weal, and so forth — as a good citizen?

A. As much that as anything else. I came to tell you

the facts, just as I saw them, with no interest one way or the other.

Alderman GERRY. — That is all.

Q. (By Mr. MATTHEWS.) One question, please. This $1,900 that you did for the Park Department — was that done by contract?

A. Yes, sir.

Q. How did you get the contract?

A. I figured the work in Mr. Longfellow's office, and he awarded the contract.

Q. You were the lowest bidder?

A. I was the lowest bidder; yes, sir.

Q. Have you had any work in the Park Department, or any branch of it, without being the lowest bidder, in competition?

A. Never; no, sir. All the work I have ever done for the Park Department was the Audubon Circle bridge, and another bridge over in Franklin Park — I forget the name of it — Scarboro' pond, I think it is; and this work last year.

Q. What work was Mr. Longfellow superintending as architect?

A. Two entrances.

Q. Where?

A. Fairview entrance was one, and I don't know the other. I never saw the gates until to-day. My brother had charge of that part of the work.

The CHAIRMAN (Alderman Gerry). — May I ask you, Mr. Matthews, if Mr. Stratton ever handed in answers to certain questions that I asked him?

Mr. MATTHEWS. — I don't know. What were they?

The CHAIRMAN. — Well, quite a number. He took an account of them.

Mr. MATTHEWS. — I am afraid I have got them mixed up with other subjects, if I ever knew what they were. Give me a memorandum and I will see that you get them.

The CHAIRMAN. — Well, I don't know why the committee should ask for these things to be done two or three times.

Mr. MATTHEWS. — Well, why don't you ask Mr. Stratton for them?

The CHAIRMAN. — Well, if Mr. Stratton were here, I would ask him.

Mr. MATTHEWS. — But you are not asking Mr. Stratton about it. You are asking me now.

The CHAIRMAN. — He said he would send the answers, and I am asking the Park Department, through you, if the questions have been answered?

Mr. MATTHEWS. — I think you had better ask Mr. Stratton. He is to be here.

Cross-Examination.

Q. (By Mr. LUNDY.) You say you took no part, Mr. Johnson, in that work done by your firm last year?

A. No, my brother had charge of that, altogether.

Q. And you don't know who superintended the actual work of building?

A. Oh, yes, Mr. Longfellow.

Q. Mr. Longfellow?

A. Yes.

Q. You don't know whether Mr. Pettigrew had anything to do with it at all?

A. He had to finally approve it at the end, that is all.

Q. But you don't know that he ever made any personal inspection of the work?

A. No.

TESTIMONY OF HENRY P. NAWN.

Q. (By Mr. MATTHEWS.) Your full name, Mr. Nawn?

A. Henry P. Nawn.

Q. And your business?

A. Contractor.

Q. What do you do as contractor?

A. All kinds of public work.

Q. Road building?

A. Yes, sir.

Q. Mason work?

A. Sewer work — yes, mason work.

Q. Catch-basins?

A. Yes.

Q. How long have you been a contractor in that class of work?

A. About 25 odd years.

Q. Have you, at the request of anybody connected with the Park Department, made an examination of the catch-basins in the roads on Peter's Hill?

A. I looked at about 50 this morning.

Q. Will you state to the committee in what condition you found those catch-basins, with respect to the quality of the work?

A. Well, found in them the same quality of work that you would find in all catch-basins in similar positions — found them in very good shape.

Q. Did you examine the cement?

A. I did.

Q. What do you say about its appearance?

A. First-class quality.

Q. What do you say about the brick work in the catch-basins?

A. The brick work is all right. It is good work.

Q. Did you examine the roads?

A. I did.

Q. On Peter's Hill?

A. Yes, sir. The roads were dug up in four or five places, where I could see, and I measured.

Q. You mean that holes were dug in the roads?

A. Yes.

Q. How large?

A. Oh, I should say about 12 by 12. I examined another road down near Beacon street, the other side of the bridge there.

Q. Audubon road?

A. Audubon road, yes.

Q. Well, finish up first with the roads on Peter's Hill. How many holes did you say were dug?

A. I think there were five.

Q. How deep were they?

A. Down to the clay, — one hole 12 inches deep, another 14 inches deep.

Q. Now, will you state to the committee what is your opinion concerning the manner in which those roads on Peter's Hill were constructed?

A. Built first rate, as good as any roads in the parks.

Q. What do you say about the depth of the material used?

A. There is about eight inches of coarse stone, and the other four inches is macadam. The road is well built.

Q. What do you say about the appearance of the roads, or did you notice that?

A. I noticed the appearance.

Q. What do you say about that?

A. Very good after the winter, I thought.

Q. You say you examined the road near Audubon Circle?

A. That is, the other side, just between the bridge and Beacon street — I examined that.

Q. Between the Riverway and Beacon street?

A. Yes.

Q. Were the holes dug there, too?

A. Yes.

Q. How many?
A. Three.
Q. How deep?
A. About 14 inches — I think 15 inches.
Q. What is your opinion concerning the construction of that road?
A. First-class, the same as all the roads — Telford on bottom and macadam on top. It is a different road from the road on the Boylston street side. The Boylston street side is an old road, I think.
Q. Mr. Nawn, have you ever at any time examined any stone belonging to the wall at Jamaica Pond, at Pond street?
A. Yes, sir.
Q. In what connection was that?
A. Why, it was around December, I think. Mr. Shea asked me if I would take that stone; said he would give it to me, if I would take it away. I went over and looked at it.
Q. What stone was that?
A. On the rip-rap there.
Q. Which course was it?
A. The upper course, as far down as the flow of the water there.
Q. The upper course?
A. Yes, sir.
Q. Mr. Shea asked you if you would take it away?
A. Yes, sir.
Q. Without paying anything for it?
A. Yes.
Q. What did you say to him?
A. I told him I wouldn't take it.
Q. Did you examine it?
A. I did.
Q. You declined his offer?
A. Yes, sir.
Q. Now, will you state to the committee what, in your opinion, is the value of that stone, and why you declined to take it as a gift?
A. It would cost about three times more to take it away, to cart it away, than it was worth, than what you could buy new stone for. The stone was no good — couldn't use that stone over again without having it split and cut up for stone work.
Q. What was the trouble with the stone? Why couldn't you use it for other jobs?
A. Well, it was built on a bevel and the top of the

stone was dressed to meet the finished grade of the walk there, and there were two beveled edges on it.

Cross-Examination.

Q. (By Mr. LUNDY.) Mr. Nawn, what did your contracts for the city of Boston amount to last year?

A. I didn't have any — very few.

Q. Very few?

A. Yes.

Q. Well, $1,000 worth?

A. Oh, I guess more than that, probably.

Q. Well, do you think they were probably worth more than $10,000?

A. Well, if you go down to the Auditor's office you will find out. I don't know.

Q. I understand, but you are on the witness stand, not the City Auditor?

A. I don't know. I wasn't asked to bring my books in.

Q. Can you tell approximately what the contracts amounted to?

A. I can't tell anything of the kind. I don't carry my books in my head.

Q. Can you tell whether it was $1,000 or $50,000?

A. No, I can't.

Q. As much as $50,000?

A. I don't know.

Q. As much as $100,000?

A. I don't know.

Q. Wasn't less than $100,000?

A. Yes — I should say yes.

Q. Now, to come a little nearer — $75,000?

A. I don't know.

Q. Well, we will call it $75,000. Now, you examined the roads on Peter's Hill?

A. Yes.

Q. How long a stretch of road did you examine there?

A. I went around the hill, went to the foot and walked up.

Q. How long should you say it was there, altogether?

A. Four miles.

Q. Well, it wasn't four miles, was it? You didn't walk four miles to oblige Mr. Shea this morning?

A. I would if he asked me.

Q. It wasn't four miles?

A. Up and down the hill — I think it was a good stretch, four miles. I think it was.

Q. Well, you examined four miles of road, and how many holes were dug?

A. I think I told you once — I think five.

Q. And what was the space between those holes?

A. Well, I should say it might have been 800 feet, probably, — no, not 800 feet; I should say probably 300 or 400 feet apart.

Q. And all the road you examined was good Telford road, was it, or do you know?

A. Well, I should say it wasn't a Telford road. It was a macadam road.

Q. Now, did you have an opportunity of observing whether that road was uniform in idea?

A. I did, yes.

Q. Whether it was the same every hundred yards?

A. It was a very good shaped road.

Q. Yes — that is, on the surface?

A. On the surface, yes.

Q. Well, the five holes dug there wouldn't afford you an opportunity of knowing accurately how that road was built, whether it was built the same from end to end, would they?

A. No, of course not.

Q. You don't know how many different styles of road building were adopted in making that whole stretch of road, do you?

A. Well, these holes were dug — the man dug those holes in several places on the park there. I suppose the same system was carried right through. They were dug about 400 or 500 feet apart — some holes in the valley and some on top of the hill.

Q. Now, did you examine, did you make any measurement or any estimate of the grades on that road?

A. Estimate of the grades? What do you mean?

Q. You say the road was graded properly?

A. Yes, first-class.

Q. So that was perfect?

A. Yes.

Q. Did you have any talk about this Peter's Hill road with Mr. Shea before you went out there?

A. No. I didn't know what Mr. Shea wanted me for. He asked me to meet him at Forest Hills station this morning, and I went out there. I didn't know what I was going for, and when I got there he was waiting for me, and we started off.

Q. What did he ask you when you got there?

A. Asked me to look at the catch-basins.

Q. Yes. For what purpose?

A. To see whether they were properly built.

Q. Did you know why he asked you the question?

A. No, he didn't tell me.

Q. You knew Mr. Shea's department was under fire here?

A. Well, I read a little about it. I saw an account of it in the paper, but I thought it was a farce, so I didn't read it.

Q. Well, we are glad to get your opinion. You had concluded that the investigation was a farce, from what you had heard about it?

A. Yes.

Q. Well, you did know that it was because of this investigation that you were called out this morning?

A. No, I didn't.

Q. Well, you knew it after you got there?

A. Knew it afterwards.

Q. What did Mr. Shea say to you about these catch-basins that he asked you to examine?

A. He asked me what I thought of those catch-basins — didn't ask me to express any opinion whatever, but had me look at the catch basins on the hill, down at the Arboretum, on the road down, had the covers taken off, and I got down on my knees and looked at the cement, the brick work and everything else, and I saw that it was a first-class job.

Q. Did you ever build any catch-basins?

A. Well, I have superintended them — never laid any bricks yet.

Q. That is, perhaps, an accident. I ask you if you have, as a contractor, built any catch-basins?

A. Yes, sir.

Q. Now, did you build any of those catch-basins?

A. No.

Q. And are those catch-basins built in the way that you generally build catch-basins?

A. Yes, sir.

Q. Then they agree with your ideas of how catch-basins should be built?

A. Yes, sir.

Q. Did you notice the gutters around Peter's Hill there at all?

A. Yes, sir.

Q. How did they strike you?

A. First-class.

Q. Can you understand any reason why those gutters should be rebuilt within the course of a year?

A. Very often have to rebuilt them in the course of a year.

Q. Why, if they are laid out properly first?

A. Never saw one that wouldn't have to be rebuilt — on account of frost sometimes, and sometimes from teams driving over them.

Q. Isn't there anything except frost that will cause the rebuilding of a gutter?

A. Yes, as I say, teams driving over them will cause a good deal of rebuilding.

Q. Teams don't drive into the gutter, do they?

A. Once in a while a careless teamster will, especially a roller, where they are rolling the road — they are apt to get too close to the haunches of the road.

Q. Well, on an ordinary road is it a common thing for careless teamsters to destroy a gutter in eight or nine months?

A. Yes, sir. I had to repave on Blue Hill avenue three or four times on account of that.

Q. On account of careless teamsters?

A. Yes, sir — rebuilt it three or four times.

Q. How long ago was that?

A. The time when I was building it, three years ago.

Q. You said in December you were invited to take away some stone out of there?

A. Yes.

Q. How much stone?

A. All the stone that came down off that wall.

Q. Do you know of anybody else being invited to take that stone away?

A. I didn't ask for anybody else.

Q. I ask you if you knew that anybody else had been invited to take it away?

A. No. I offered it to another gentleman, and he wouldn't take it.

Q. To whom?

A. Father Connolly, who was going to build a church there at Centre street.

Q. Then the stone was practically in your possession — or did Mr. Shea tell you to give it to someone to take away?

A. No, sir; told me to take it away, and I offered it to Father Connolly, thought it might be a good thing for him.

Q. Do you know anything about the stone you were offered an opportunity to take away?

A. No.

Q. Don't know anything about it now?

A. No, sir.

Q. What would you say the stone was worth originally, that they offered to you to take away?

A. $1.75 a perch.

Q. And it would cost you how much to take it away?

A. Well, you would have to handle it two or three times, probably, and it would cost you anywhere from $2 to $2.50 a perch to take it out of there — that is, if you had a place to put it; and if you didn't it would cost you a good deal more to rehandle it again and reload it.

Q. Well, you have a number of places where you can get all the stone you want, anyway, haven't you; places of your own?

A. I don't know that I have.

Q. Well, if you don't know that you have, who should know?

A. Well, I don't know that it is anybody's business.

Q. Well, I think it is very much the business of this committee, Mr. Nawn, when I ask you questions that are pertinent to this investigation. There are a great many places where you can obtain stone, places belonging to yourself?

A. No, I haven't a great many places where I can get stone.

Q. How many places have you?

A. Have I got to come here to this hearing and tell my private business?

Q. You will answer all my questions so far as they relate to this hearing.

A. This was granite, not Roxbury stone, and I haven't that.

Q. You haven't granite ledges?

A. No, sir.

Q. You have places where you could get stone such as was used for this particular work, haven't you?

A. I don't understand the question.

Q. (The stenographer repeated the question.)

A. No, sir; I haven't.

Q. You didn't have any place at that time?

A. No, sir. I never did.

Q. How much work have you done for the Park Department in the last four years?

A. Very little.

Q. How much, probably?

A. Probably $400 or $500 worth.

Q. In four years?

A. Yes, sir.

Q. You didn't do any of this road-building?

A. No, sir. Their prices are too low for me to work for them.

Q. Do you know anything about the employment of labor on the park system?

A. No, sir.

Q. I mean by contractors?

A. No, sir.

Q. You have figured on contracts for the Park Department, haven't you?

A. Yes, sir.

Q. Do you remember the last contract you figured on?

A. No, sir.

Q. Well, you remember that you figured on one last year, didn't you?

A. I don't know that I did — no, I don't think I did.

Q. Well, you would know it if you did — you would remember that, wouldn't you?

A. No, I don't think I would.

Q. Do you do your own figuring, make your own estimates?

A. Yes, sir.

Q. Did you figure on any contract for the Park Department the year before last?

A. I couldn't tell you.

Q. Why couldn't you tell me?

A. Because I don't remember.

Q. You remember that the last four years you have figured on a number of contracts?

A. Yes, a great many.

Q. Cannot you remember one contract that you have figured on?

A. Not in the Park Department — I don't remember any.

Q. Don't remember any?

A. No.

Q. (By Alderman GERRY.) I would like to ask, Mr. Nawn, a question in regard to this stone. You say that you offered to Father Connolly, on behalf of Mr. Shea, those stones for building purposes down there near his church?

A. Yes.

Q. Well, did Father Connolly go up and see those stones?

A. Yes, sir.

Q. And he thought that they wouldn't be of any use?

A. Yes.

Q. To him?

A. To him, yes.

Q. Well, did you think they would be when you offered them to him?

A. Well, I didn't know. I wouldn't take them for taking them out.

Q. That isn't what I asked you. I asked if you thought they would be of any use to him?

A. I understood that he was going to build a church, school, or something.

Q. Why weren't they of any use to him?

A. Because he could buy new stone cheaper than he could take those out and cart them away.

Q. That is the reason, you think?

A. Yes.

Q. Now, wasn't there another reason, Mr Nawn?

A. There is no other reason that I know of.

Q. Did I understand you to say that it was the way those stones were cut that made them useless to you?

A. Yes, sir; they would have to be all recut to handle them over again.

Q. Isn't that one reason why you thought they wouldn't be of any use to Father Connolly?

A. If he wanted to spend a little money cutting them he could have them.

Q. Didn't you tell Father Connolly before he went up there that they were no good?

A. No, sir; I did not.

Redirect Examination.

Q. (By Mr. MATTHEWS.) Mr. Lundy has asked you something about your business. I would like to ask you one question, if you have no objection to answering it. You do a general contracting business?

A. Yes, sir.

Q. And have you taken large contracts for the Metropolitan Water Board, the Boston Water Board, and similar bodies?

A. Yes, sir.

Q. State to the committee how large some of those contracts have been in dollars and cents.

A. Well, for the state I have got a contract now up in Clinton of about $1,100,000 odd dollars.

Q. Do you have any contracts for the state for basin five?

A. Yes, sir; three sections up there, amounting to $600,000.

Q. Three sections altogether?

A. Yes, sir.

Q. Ever have any contracts with the Boston Water Board?

A. Very little with the Boston Water Board. I have had a good deal with the Metropolitan Water Board — did Spot pond for them; did the Middlesex Fells job; built that speedway out at Brighton there for them.

Q. How did you get those contracts?

A. By being the lowest bidder.

Re-Cross Examination.

Q. (By Mr. LUNDY.) You say, Mr. Nawn, that it would cost more to take those stones from that place than it would to put them in?

A. How is that?

Q. (The stenographer repeated the question.)

A. Well, that is a pretty fine question to answer. I should say it would cost more — oh, no; I wouldn't say that, no. I wouldn't say it would cost more.

Q. Well, you couldn't tell in regard to that?

A. No; I couldn't.

TESTIMONY OF CHARLES J. JACOBS.

Q. (By Mr. MATTHEWS.) Mr. Jacobs, what is your full name?

A. Charles J. Jacobs.

Q. And your business?

A. Contractor.

Q. General contractor?

A. General contractor.

Q. Mason, do you say?

A. No; general contractor — mason.

Q. Have you had any experience with stone work?

A. Yes, sir; I have built several walls.

Q. What do you say about your experience with stone?

A. I have built a good many walls — stone walls, sea walls.

Q. Do you know anything about the upper course of the stone wall on the Pond street side of Jamaica pond?

A. Yes, sir.

Q. Will you state to the committee what you had to do with that upper course of stone?

A. Well, it was some time in January.

Q. What year, Mr. Jacobs?

A. This year, 1900 — and I was figuring on some work for the city on Aberdeen street, off Beacon street out here, and I was driving by the pond out there one day and I under-

stood they were going to take away this stone. I spoke to one of the foremen there and asked him if I could get the stone. He told me that he thought the Commission would like to sell them. Well, I told him I didn't think they were worth anything, but I would bring a friend with me and we would figure it over. I brought this friend of mine out with me and we figured it over, and I figured on this street where these stones were going to be put, and I was too high on the work, so I went out afterwards again, and told them I wouldn't take the stone — I told the foreman so. That was the 1st of February that we figured on this street.

Q. Did you have any further talk with the foreman or anybody else about the stone?

A. Well, he wanted to know if I wouldn't take them. I told him no, that it wouldn't pay me to take them and cart them twice, that I could get them cheaper than that if I wanted them, buying them and having them hauled direct to my work.

Q. Did you have any conversation with him about your taking them for nothing?

A. I told him at the time that if I could get this street I would take them for nothing, but there were some other parties who figured on the work, and one of them — well, three of them were lower than me, and they figured on buying the stone from Quincy and having it brought to the work on Aberdeen street. I figured simply on carting these stones over there and splitting them and putting them in place.

Q. Then, if I understand you correctly, the stones were offered to you for nothing?

A. For nothing.

Q. You said at first that you would take them if you got this job?

A. Yes, sir.

Q. And after you failed to get the job you declined to take them?

A. I declined to take them.

Q. Will you state to the committee what reason there was, in your opinion, why that stone should not have been worth anything to cart away?

A. Well, with stone of that sort it would be necessary to put up a derrick and to shift the derrick quite often to handle them, and they were peculiarly shaped stone, cut on a bevel, and to use them for almost any purpose they would have to be cut over again.

Q. Mr. Jacobs, do you know anything about some stone at Ward's pond or near it?

A. Yes, sir.

Q. State to the committee what knowledge you have of that matter?

A. Well, I saw some stone over there, some Roxbury pudding stone. There was a kind of a bridge, a kind of an arch over there, and later on I saw them throwing the stone into the pond, and the foreman spoke to me about it at the time. He asked me if they would be of any use, and I told him no, that we couldn't get above 50 or 60 cents a ton for them, that they wouldn't be worth taking away except in the winter time, when we weren't doing much. I think that was in last October.

Cross-Examination.

Q. (By Mr. LUNDY.) Mr. Jacobs, you do a general contracting business?

A. Yes, sir.

Q. And you do considerable work for the city of Boston, don't you?

A. Yes, sir.

Q. How much did you do last year?

A. Well, I couldn't say.

Q. Well, you have some idea?

A. Oh, I may have done a few thousand dollars' worth.

Q. $10,000 worth?

A. Yes, I guess so.

Q. How much did you do in the Park Department?

A. I couldn't say now.

Q. Well, $3,000 worth?

A. I think so.

Q. You bid for all that work?

A. No.

Q. How did you get it?

A. Well, it was furnishing loam, cracked stone and other material.

Q. Who awarded you those contracts, or who gave you the work?

A. Generally the foreman.

Q. Well, you mean by that, Mr. Shea?

A. No, sir.

Q. Who is the foreman — different foremen?

A. Different foremen on the works.

Q. Well, all that came under Mr. Shea, didn't it, or Mr. Pettigrew?

A. I believe so. They did the general superintending of the whole of it.

Q. Now, how often did you see Mr. Shea?

A. Well, maybe saw him once a month.

Q. Well, when did you see him last before to-day?

A. I saw him last — I think it was in the chamber here the last time of the hearing.

Q. And did you volunteer to come and give this testimony?

A. No, sir.

Q. Did he ask you to?

A. No, sir.

Q. Are you summoned?

A. No, sir.

Q. How do you come to be here?

A. The foreman asked me about it at that time.

Q. Who was the foreman?

A. Mr. Edgeworth.

Q. Now, when you were invited to look at this stone you you were prepared to buy it, weren't you, if it was suitable for your purposes?

A. No, sir.

Q. Haven't you so testified?

A. No, sir.

Q. You didn't offer to at first, before they offered to give it to you?

A. No, sir.

Q. Wasn't you prepared to buy it, if it would answer your purpose?

A. I was not prepared to buy it. I told them at the time that, if I figured on this other work I have referred to, I would figure on using this stone, if I could get it for nothing, and that if I could get it I might figure low so as to get this other work.

Q. Did you say you went out and looked at this road at all, or these catch-basins?

A. No, sir.

Q. Didn't see them at all?

A. Didn't know anything about them.

Q. You weren't invited to do that?

A. No, sir.

Q. Now, when was it that you saw them throwing stone into the pond?

A. I think it was about the first of January, around there.

Q. Did you ask the foreman why they were doing that?

A. Yes, sir.

Q. And what led you to ask that question? Did you think it a waste of stone?

A. No, sir.

Q. Why did you ask the foreman why they were throwing the stone into the pond?

A. Because I wanted to find out if they were making any improvement.

Q. Did it strike you that they were making any improvement?

A. Yes, sir.

Q. Why?

A. Because I didn't think they would be throwing it in there unless they were making some improvement

Q. You don't know whether they intended to fill up that pond, do you?

A. No, sir.

Q. And you didn't know that the idea was to remove that pond, at all?

A. I don't think the idea is or was to remove it. Jamaica Pond you are talking about now?

Q. Yes. You didn't know anything about grading or sloping it, did you?

A. I knew when they were taking the stone out that they must be going to make some alterations or improvements.

Q. It never occurred to you that it was a waste of stone?

A. No, sir.

Q. Nor that it would be a good idea to throw the stone in there to save waste, or to save putting it somewhere else?

A. Well, I supposed they had some reason for taking the stone out, of course, and I supposed that it was in order to make some improvement.

Q. Mr. Edgeworth asked you to come here?

A. He talked with me some time ago about this stone.

Q. How long ago?

A. The day of the hearing. I was in here one day — I guess about three or four weeks ago.

Q. And he asked you to come in at the next hearing?

A. He asked me to come in that afternoon.

Q. Well, you knew when you came in that afternoon that you wouldn't be called, didn't you?

A. I didn't know anything about it.

Q. Have you had any talk with Mr. Matthews about this?

A. I spoke to him that same afternoon that I came in.

Q. What notice did you receive to be here to-day?

A. There was word left at my house to call to-day.

Q. Who left the word?

A. I don't know.

Q. What kind of word?

A. My wife told me that there was a man at the house last night who left word for me to be at the hearing to-day.

Q. Don't you know at the present time who that man was?

A. No, sir.

Q. Now, you are pretty friendly towards Mr. Edgeworth, aren't you, Mr. Shea?

A. Not particularly at all.

Q. You expect to do some work there, don't you?

A. Maybe so. If there is anything doing, I might do some of it.

Q. You know there will be something doing?

A. I suppose if there is anything doing I am entitled to my share, if I do my work faithfully.

Q. But you know that it is distinctly for your advantage to testify as you have testified?

A. No, sir.

Q. Well, you have done a great deal of work for the city in the last few years?

A. Yes, sir.

Q. (By Alderman GERRY.) How many thousand dollars worth of work did you say that you had done for the city of Boston?

A. Oh, I don't know; I couldn't tell you now.

Q. Wasn't it $10,000 worth?

A. I think more than that, or about that.

Q. Well, of course, you have done all this by contract, or a good deal of it, haven't you?

A. I have a contract now with the city of Boston — may be a contract of $20,000 — for sand and gravel.

Q. Is it your idea that these contracts are given out by foremen and sub-foremen, and all that kind of people?

A. Well, generally on small lots the foreman orders the material.

Q. Well, I know; but $10,000 is not a small lot, is it?

A. Well, that is at different times, for different departments, different works.

Q. Do I understand you to say, that, in your opinion, Mr. Edgeworth and those other gentlemen who are superintending those gangs of men are giving work to people regardless of any authority from the general foreman or the superintendent? Can you make that as an assertion?

A. I can honestly say that oftentimes I have gone to Mr. Edgeworth, Mr. McNulty, or anybody else whom I have seen buying materials, and have said "I have got some good loam,

some good manure, can't I put some in?" They would say "I guess so, until the place is filled up."

Q. Then Mr. Edgeworth and Mr. McNulty are doing the work of the parks, are they?

A. No, sir; but I guess they have a right to buy material as long as it is satisfactory.

Q. Well, we will inquire and see whether they do. That is all.

Re-direct Examination.

Q. (By Mr. MATTHEWS.) In those cases the price is a fixed one, isn't it?

A. It is a fixed price. We get 66⅔ cents a yard for loam at the Riverway, and we get a different price down at Commonwealth avenue, and so on; but if the foreman wanted a load or two of loam he would tell us to put it in there. He would buy it from us at the same price at which they were getting it.

Re-Cross Examination.

Q. (By Mr. LUNDY.) Mr. Jacobs, do you remember the teaming fraud cases?

A. Yes, sir.

Q. Do you remember that you were doing any work for the city of Boston at that time?

A. I don't know; I might have been.

Q. You know you were interested in those cases, weren't you?

A. No, sir.

Q. Weren't you a witness in those cases in court when Scollans was being tried?

A. Yes, sir.

Q. What connection did you have with that case of Commonwealth *vs.* Scollans?

A. I was simply a witness, being in partnership with Mr. Coyle's brother.

Q. And that was one of the firms implicated, was it not?

A. No, sir; the firm wasn't implicated at all.

Q. Well, they had some connection with the case?

A. No; no connection

Q. Then why were you summoned as a witness? What did you know about it?

A. Because some people imagined that the Coyle of Jacobs & Coyle, was the Coyle who was a foreman in the Paving Department, although they were different people.

Q. Well, the Coyle of Jacobs & Coyle was a brother of the Coyle in the Paving Department?

A. Yes, sir.

Q. And your firm was mixed up in the case?

A. No, sir; it was not.

Q. You were summoned as a witness?

A. I was summoned to testify whether the Coyle in the firm was the Coyle who was in the department, in connection with certain work, and I testified that it was his brother. You know that as well as I do.

Q. Oh, I think I know something about it, but I don't think it was just as you have stated it.

A. I think you know something about it, and if you know anything except what I have stated you don't know the truth.

TESTIMONY OF JAMES E. BEAN.

Q. (By Mr. MATTHEWS.) State your full name, Mr. Bean.

A. James E. Bean.

Q. Are you an employee of the Park Department?

A. Yes, sir.

Q. What is your position?

A. Foreman of carpenters.

Q. Do you know a foreman named Jeffery?

A. Yes, sir.

Q. Did you have anything to do with any transaction with Mr. Jeffery with reference to the distribution of a wooden shanty or portions of it?

A. Yes, sir.

Q. Will you state to the committee what that transaction was, as far as you know?

A. I was tearing down some old buildings on Franklin Park, and Mr. Jeffery was grading the yard at the time, and as I took off the large doors from the front he asked me if he could get them to carry to his place at Stoughton. I told him I would ask Mr. Shea. I asked Mr. Shea, and Mr. Shea, says he, "Yes, give them to Mr. Jeffery." When I unhung them Mr. Jeffery and his man took them around to where he was at work on the back side of the building I was tearing down. That is all I have to say about that.

Q. Mr. Jeffrey took them off, as far as you saw?

A. Took them from where I unhung them to where he was at work. Whether he took them to Stoughton or not I don't know.

Q. Did he ever take them back?

A. No, sir.

Q. Did you ever see them again?

A. No, sir.

Cross-Examination.

Q. (By Mr. LUNDY.) You don't know what finally became of that shanty, do you?

A. No, sir.

Q. Wasn't there some talk between you and Mr. Jeffery about $25 being paid for that?

A. No.

Q. How long after Mr. Jeffery asked you for that shanty did you talk with Mr. Shea about it?

A. You have reference to another shanty, altogether.

Q. Now, have I? What shanty have I reference to?

A. A sanitary building at Dorchester.

Q. Well, where did you hear about that? How do you know I have reference to that?

A. Well, I have been told that I was accused of selling a shanty to Mr. Jeffery.

Q. Well, who told you you had been accused of that?

A. I saw it in the paper.

Q. Now, as a matter of fact, Mr. Jeffery did come to you once and offer to pay to you $25 for a certain shanty that is now being used as a sanitary, didn't he?

A. No.

Q. He didn't?

A. Not used as a sanitary, no.

Q. Well, what is it used for?

A. For a tool-house.

Q. Now there was some talk about $25 being paid for a certain shanty by Mr. Jeffery, wasn't there?

A. Yes.

Q. And it was decided at one time that he might have that shanty for $25. Isn't that so?

A. Yes, sir.

Q. And afterwards that was revoked and he was told that he couldn't have it?

A. Yes.

Q. You knew that when you came here?

A. I saw it in the paper at the time.

Q. And you knew what shanty was referred to when Mr. Jeffery gave that testimony, didn't you?

Mr. MATTHEWS. — I object. Mr. Jeffery testified on cross-examination that he never took a shanty or any part of a shanty, any doors or anything else, and this witness has been produced to show that he told a falsehood, that he has done so.

Mr. LUNDY. — Exactly, and my question is exactly in line with what has been testified to.

The CHAIRMAN. — The questions leading up to the disposition of the shanty have been under discussion, and if counsel desires to bring out the facts, we think an opportunity should be allowed to do so.

Mr. MATTHEWS. — Certainly, but there should not be a misstatement of the evidence in asking questions of the witness.

The CHAIRMAN. — We didn't know anything about this other shanty. I understood that there was but one shanty, and it now appears that there were two.

Mr. MATTHEWS. — On cross-examination I asked Mr. Jeffery — and I will point to the page in a moment — whether he had ever taken any shanties, any portions of any shanties, or any doors, and he said "No."

Mr. LUNDY. — That is right.

Mr. MATTHEWS. — Now this witness says he did.

Mr. LUNDY. — Well, my brother Matthews puts the witness on the stand and asks him about one shanty —

Mr. MATTHEWS. — No. I have not asked him about any shanty at all. I have not asked him about any shanty for which $25 was offered. Mr. Jeffery denied having taken any portion of a shanty, and it is on that point that I have produced this witness. I did not ask him about a shanty for which $25 was offered.

Mr. LUNDY. — No, I know you didn't.

The CHAIRMAN. — Well, the committee thinks the question can be answered.

Q. (The stenographer repeated the last question.)

A. Yes.

Q. (By Mr. LUNDY.) Now, how long after you discussed this first shanty, the one that is now being used as a tool house, did Mr. Jeffery ask you for this other shanty?

A. I should judge it was about six months.

Q. About six months after that?

A. Yes.

Q. And how many shanties did you have there when Mr. Jeffery took this one that you speak of?

A. One.

Q. You had one there?

A. It was simply doors that he spoke of — simply the doors of the shanty, that was all.

Q. Is that all he took — doors?

A. That is all.

Q. And what should you say those doors were worth, Mr. Bean?

A. Worth just what they were worth for firewood.

Q. Just what they were worth for firewood. Do you think they were worth carting out to Stoughton?

A. I should not.

Q. You should not?

A. No.

Q. You don't know where Jeffery took those doors, do you?

A. No.

Q. You don't know that he didn't put them on some shanty out where he was doing his work, do you?

A. No.

Q. You don't know that they were not used for some purpose connected with the Park Department?

A. I think if they had been I should know it.

Q. Why?

A. Because I am connected with almost all of the carpenter work.

Q. Well, after the doors left your possession, on order of Mr. Shea, you don't know what became of them?

A. No.

Q. Did you ever tell Mr. Shea that you had given a shanty to Mr. Jeffery?

A. The one you speak of — the sanitary building?

Q. But that you didn't give away?

A. No; I talked with Mr. Shea about that.

Q. You talked about selling that one?

A. Yes, sir.

Q. But nothing came of that?

A. No.

Q. But you never told Mr. Shea that you gave a shanty to Jeffery, did you?

A. No; I asked him if I should give him those doors.

Q. How many?

A. Two.

Q. Worth just so much as they would be worth for firewood?

A. Had been on a building twelve years.

TESTIMONY OF WILLIAM H. ALLEN.

Q. (By Mr. MATTHEWS.) State your full name?

A. William H. Allen.

Q. And you are an employé of the Park Department?

A. Yes, sir.

Q. What is your occupation?

A. Stableman.

Q. Where is the stable?

A. Franklin Park.

Q. What is stored in the way of hay and grain there, belonging to the stable?

A. Well, generally get five or six tons of hay at a time, about 300 bushels of oats.

Q. Did you ever take any hay and grain belonging to the city for your private use, for the use of your horse?

A. No, sir.

Q. Did you ever take any away with you for any of your private teams?

A. No, sir.

Cross-Examination.

Q. (By Mr. LUNDY.) What salary do you get there, Mr. Allen?

A. Forty dollars a month.

Q. And you are credited as a stable boss?

A. No, sir.

Q. What are you supposed to be?

A. Stable boy.

Q. Now, who is your superior there at the stable — anybody?

A. No, sir — Mr. Shea.

Q. Well, you do run the stable?

A. Yes, sir.

Q. Have full charge of that?

A. Well, to a certain extent.

Q. That is, under Mr. Shea and other superiors?

A. Yes, sir.

Q. But you run the stable?

A. Yes, sir.

Q. Now, have you any civil service rating?

A. Well, that is all.

Q. As a stable boy?

A. Yes, sir.

Q. What head does that come under?

A. I am sure I couldn't tell you.

Q. A boy — messenger?

A. I couldn't say, I am sure.

Q. You took an examination, when you got your rating?

A. No, I never took any civil service examination.

Q. You never did?

A. No, sir.

Q. How long have you worked in the department?

A. Two years last February.

Q. Who appointed you?

A. Mr. Shea.

Q. Now, do you recall having a horse of your own at the park stables?

A. Yes, sir.

Q. How long did have him there?

A. Well, I used to drive him up in the morning; drove him up, well, about two or three weeks.

Q. Then what did you do with him?

A. I put him in the stall there, and took him home at night.

Q. Well, after Mr. Shea ordered you to take that horse away from the park stable, what did you do with him?

A. Put him in a stable at Jamaica Plain.

Q. Who owns the stable?

A. A man named O'Brien.

Q. Did you pay board for him?

A. No, fed him myself.

Q. Where did you get the feed you gave him?

A. Of W. P. Whittemore.

Q. Is he a man who does work for the park there?

A. Supplies some stuff.

Q. And he is one of the Whittemores who does work there, isn't he?

A. I don't know that he does any other work.

Q. On an average what did you pay Mr. Whittemore a month for the food you gave to your horse?

A. I didn't have him much more than a month — had him about six weeks.

Q. Did you have him a month or six weeks after you took him from the park stables?

A. No, only about three weeks.

Q. Did you pay the Whittemores for the feed you gave him in those three weeks?

A. Well, it didn't take a great deal to feed him — only a two-year-old colt. The most I ever fed him was three quarts of oats a day. The colt never had any oats until I got him.

Q. This feed you bought from the Whittemores?

A. Yes.

Q. And paid them in money?

A. Yes, sir.

Q. Get any receipt for that?

A. No, sir; because there was a fellow I sent, who got it. I didn't get any receipt.

Q. How did you happen to go to the Whittemores?

A. Because they were the handiest.

Q. They are not grain dealers, are they?
A. Yes, sir; hay and grain dealers.
Q. You sold the horse then?
A. Yes, sir.

Re-direct Examination.

Q. (By Mr. MATTHEWS.) Is Mr. Whittemore the grain dealer the same gentleman, named Whittemore, who is a contractor?
A. I don't think so.
Q. You think there are two persons who deal with the department named Whittemore?
A. I think so.
Mr. LUNDY. — I think there are, Mr. Matthews. His answer misled me. It is not the same Whittemore.

TESTIMONY OF GEORGE F. CLARKE. — *Recalled.*

Q. (By Mr. MATTHEWS.) Mr. Clarke, have you since the last hearing had a statement prepared, showing more in detail the relative increase over assessed values paid for park lands during the past four years?
A. I have.
Q. And what does that statement show — not in figures, but what is it prepared for?
A. It shows excess of damages over assessed value, in the assessments by the Commissioners alone, in the settlements by the Commissioners and the Law Department together, in the settlements by the Law Department alone, and in the settlements by jury trials, which include the award of an auditor, because the case afterwards went to a jury and was settled by the jury.
Q. Yes?
A. The Gibson school fund land being taken out, as being an arrangement between the city and itself, and also a right of way, in connection with which, of course, no assessed valuation is given, it being merely a right of way.
(The paper referred to was introduced as "Exhibit 90," and will be found at end of day's hearing.)
Mr. MATTHEWS. — I will state to the committee what the results are. The average excess over assessed values paid for lands settled for by the Commissioners alone is 35.70 per cent.; the average excess in cases that were settled by the Commissioners, acting jointly with the Law Department, is 150.12 per cent.; the cases settled by the Law Department alone show an average excess of 122.45 per cent.; the cases tried in court show an average excess of 196.73

per cent. This statement is the same as the other, except the two cases which have been left out, one the Gibson school land, where the city was dealing with itself, and the land was not really purchased by the city, and the other the case of a right of way, where there was, of course, no assessed value.

Q. (By Mr. MATTHEWS.) At the last hearing, Mr. Clarke, I asked you if you would procure the date in connection with the $50,000 loan order which was passed in anticipation of a larger loan by the City Council. Can you state the date now?

A. February 9, 1898.

Q. That is the date when it was signed by the Mayor?

A. That is the date when it was approved by the Mayor.

Cross-Examination.

Q. (By Mr. LUNDY.) Mr. Clarke, you have made up those figures in regard to the settlements, have you?

A. Yes.

Q. And you personally are familiar with them?

A. Yes.

Q. You speak here of cases settled by the Commissioners themselves, where there is an average excess of 35.70 per cent. in damages over the assessed value?

A. Yes.

Q. Those cases are where the Commissioners deal directly with the owners or their representatives and make an amicable settlement?

A. Yes.

Q. Now, you have here cases settled by the Law Department in conjunction with the Commissioners. What do you mean by that?

A. In such cases the Commissioners have received the advice of the Law Department as to settling terms.

Q. Well, they practically do their own settling, with some suggestions from the Law Department?

A. There are such cases; yes.

Q. That is what you mean when you say, "Settled by the Commission and the Law Department"?

A. Yes, sir.

Q. What do you mean by "Settled by the Law Department"?

A. In those cases the Law Department settles the case and sends in a communication recommending a certain settlement, and that is the first time it comes before the Commissioners for approval. It is settled outside the Park

Commissioners' office. They don't see the party to the case, but they receive a statement from the Law Department that the Law Department has settled the case, or recommends a settlement of the case.

Q. Well, don't you know, Mr. Clarke, that, except where a land damage case goes to trial, there can be no settlement made to which the Park Commission is not a party? Isn't that so?

A. Oh, the Park Commissioners do approve all settlements; yes.

Q. And the Park Commissioners do practically make the settlements for land taken, don't they?

A. Well, as I have mentioned, when the Law Department takes the initiative it sends a letter to the Commissioners asking their approval of the settlement.

Q. In what cases would they take the initiative?

A. Cases in court, where cases are pending and there is a chance to arrive at a settlement with the parties.

Q. But those are the cases you refer to which are settled by the Law Department alone?

A. Yes.

Q. Don't you know, from your experience as secretary of that Board, that the Law Department has no right, as a matter of fact, to make any settlement, except upon figures agreed to by your Commission?

A. I stated that.

Q. Yes, you stated that. Then, there are practically those three heads — cases settled by the Commission, cases settled by the Commission in conjunction with the Law Department, and cases settled by the Law Department, which all entail responsibility for the settlements upon your Commission, don't they?

A. They do. There is no doubt about that.

A QUESTION OF PROCEDURE.

Mr. MATTHEWS. — Mr. Chairman, before resuming with Mr. Pettigrew, I would like to ask for information on one point. I understand that Dr. Barnes, who was expected to be a witness for the committee at a prior hearing, and who for some reason was not then present, is here to-day. If he is here for the purpose of testifying, I ask for a ruling of the committee now as to whether any further testimony is to be taken against the Commissioners, Mr. Lundy having closed his case. Second, I ask if the committee should rule that the case is to be re-opened for the introduction of evidence

against the Commissioners, that all such evidence be taken now, at once, and that the case against the Commissioners be finally and definitely closed.

Mr. LUNDY. — Mr. Chairman, I had not heard anything about Dr. Barnes before now, but I will say personally that I supposed the case against the Commissioners was in, with the exception of anything that might come in rebuttal.

Mr. MATTHEWS. — Certainly.

Mr. LUNDY. — And I don't know as it would be good policy to open it up again. I certainly would not want to open it up. Such a course might lead to a series of indefinite openings.

The CHAIRMAN. — Well, I understood that the case of the committee was closed. If it is the wish of the committee to have Dr. Barnes testify before Mr. Pettigrew goes on, I suppose he might do so, if counsel has no objection, and that that would be understood to definitely close the case.

Mr. MATTHEWS. — Perhaps I made myself misunderstood. We do object; we object to any further testimony being taken against the Commissioners, because the case against them was formally closed some two or three weeks ago. But, if the committee is to depart from and recede from that action, we submit that all such evidence should be taken now. Dr. Barnes is a gentleman whom we all know very well, and he has criticised the department in the matter of tree cutting and other matters. His testimony would be exactly in the line of the testimony heard at the last hearing before Mr. Lundy closed. In other words, it would be a part of the case against the Commissioners, and would not be properly evidence in rebuttal of anything we would or shall produce. I want to bring the matter to a head now, and to have the committee pass upon it one way or the other, because we shall certainly object to the introduction of any of that class of testimony in rebuttal.

Mr. LUNDY. — You don't imagine that I would put that class of testimony in in rebuttal, do you?

Mr. MATTHEWS. — No, I am not speaking against your position at all.

Alderman GERRY. — Mr. Chairman, as I understand the purpose of this hearing, this is an investigation. This is not a proceeding in a criminal court, or anything of that sort, as I understand it. It is an investigation, and if there is anything which will bring out the facts or the truth in this matter I know of no reason why the committee should not hear it. I don't want to reopen this case; I don't want to prolong it, or anything of the kind; but when Mr. Matthews

asks us to agree that we shall not bring anyone here, if we find that there is anyone who knows anything more than has been stated, I, for one, will certainly not agree to it.

The CHAIRMAN. — Well, as I understand the case now, the counsel for the Commissioners has no serious objection other than this, that he wants it definitely understood that, if this witness is heard, he shall be the last and only one against the Commissioners, except in rebuttal.

Mr. MATTHEWS. — I think I have a still further objection, Mr. Chairman. I don't see why any more evidence should be heard against the Commissioners, counsel for the committee having had ample opportunity, having occupied eleven hearings with his evidence, and having formally closed his case. It does not seem to us that, after the defence has begun, it should be interrupted by the introduction of testimony against my clients. In regard to the statement of Alderman Gerry, that this is an investigation rather than a trial, that is, of course, to a certain extent true. This is an investigation, but, Mr. Chairman, one of the difficulties about this class of proceedings is the fact that it is an investigation undertaken and carried on under the forms of law. Counsel are employed, witnesses are sworn, everything is taken down by a stenographer, and the evidence is printed and perpetuated as a public document. All legal formalities are complied with, as far as they can be; and I would like to say this, too, that in all of the investigations I have been connected with of a legislative character, either at the City Hall or at the State House, I have never known one, sir, that has been conducted with more courtesy or dignity on the part of the committee or with a closer conformity to the rules of law, both in the decisions of the committee and the attitude of Counsel. It is not possible to adhere strictly to the rules of evidence, but I think that desirable end has been approximated with remarkable success in this case, so far. I hope there will be no departure from it now, and that the committee will not see fit at this time to reopen the case for the purpose of hearing Dr. Barnes, although I should have been very much pleased to listen to him at an early stage.

The CHAIRMAN. — At a special meeting of this committee we agreed among ourselves — and I am the spokesman of the committee — that each member of the committee would be granted all the latitude that was possible, in conformity with the rules and regulations. As one member of the committee, Dr. Gerry, has brought a witness in here, in order that Dr. Gerry will not say by and by that he did not have an opportunity to have his witness testify, I propose to have

this question go to the committee and to let them decide whether Dr. Barnes shall be heard.

Alderman GERRY. — Mr. Chairman, allow me to say a word. The Chairman is laboring under a misapprehension. I did not bring Dr. Barnes here. He brought himself, or somebody else brought him, but the moment he appeared Brother Matthews seemed to be afraid of him and to endeavor to put obstacles in his way. I had no idea of putting Dr. Barnes on, although I know he would be a very valuable witness, and if it had not been for certain circumstances we should have had him testify before. But I think, perhaps, Dr. Barnes has frightened Mr. Matthews as much as he probably can, so we will let him go.

The CHAIRMAN. — As the case for the committee was closed this is a matter upon which the Chair is really desirous of getting the advice of the committee. I will ask for the ruling of the committee as to whether or not Dr. Barnes shall testify.

Mr. MATTHEWS. — Mr. Chairman, if you will permit me to interrupt, I don't understand that anybody desires to call Dr. Barnes as a witness now. I understand Dr. Gerry to disclaim any such intention, and it seems that Dr. Barnes is merely here as a disinterested spectator. In that capacity we welcome his presence.

Alderman GERRY. — No, I don't want him, Mr. Matthews.

The CHAIRMAN. — Mr. Matthews is not running this committee, nor anybody else. I desire the committee to have a fair expression on this matter. If it is the wish of the committee that Dr. Barnes shall testify, I am perfectly agreeable to it.

It was voted that Dr. Barnes should have an opportunity to testify if he desired to do so, — yeas, three; nays, two:

Yeas — Alderman Norris, Codman, O'Brien — 3.

Nays — Alderman Gerry, Day — 2.

The CHAIRMAN. — Dr. Barnes, if he desires to do so, can testify. Do you desire to testify, doctor?

Dr. BARNES. — I am willing to testify. There are some things which I think have not been brought out that I would like to speak about.

The CHAIRMAN. — If you desire to do so, you can; if you do not, you needn't.

Dr. BARNES. — I should like to say a few words at this hearing.

Mr. MATTHEWS. — Is this to be the end?

The CHAIRMAN. — This is to be the end, I understand, except in the way of rebuttal.

Alderman GERRY. — Well, Mr. Chairman, if we should happen to hear of somebody who had been to New York or somewhere else and would be a valuable witness, I don't think we should be prevented from calling upon him; and I don't think we had better allow Mr. Matthews to go away with the impression that we shall not call for all the testimony that may be valuable, not only to his case but to ours.

Mr. MATTHEWS. — Mr. Chairman, I wish to say that I shall retire from this case if the committee makes any such ruling, and shall advise my clients to drop the investigation at once.

The CHAIRMAN. — The committee must end the investigation some time, and I believe it to be the wish of the committee that Dr. Barnes shall be the last one to testify for that side, other than in rebuttal. I would certainly like to have that understood, as we want to terminate this case some time.

TESTIMONY OF HENRY J. BARNES, *M.D.*

Q. (By Mr. LUNDY.) Your full name, doctor, please?

A. Henry J. Barnes.

Q. Where do you live?

A. 429 Beacon street.

Q. And your profession is what?

A. Physician and Lecturer on Hygiene at Tufts Medical College.

Q. Do you know something about our park system?

A. Yes; especially the Fens. I have watched the work there from the beginning until the present day.

Q. Have you noticed anything of particular interest to you in the last four years?

A. I have; a great deal.

Q. Kindly state to the Committee just what your observations have been.

A. One of the last things I have noticed is the digging over of the lands there, the plantations. The result has been the destruction of food supply for the birds, so that, where three years ago I went out one morning with my daughter and counted 24 different varieties, and another morning 23, I have not been able this or last spring to count more than six at any one time. Mr. Olmsted planted those banks. They were quite steep, and he planted them with flowers, shrubs and grasses. Those have all been destroyed, and the storms this spring carried great quantities of the loam which has been placed there into the Fens basin. I was disgusted, because the city borrowed $25,000 some time

ago to dredge that basin, and now a lot more stuff has gone in there from the washing of those banks. I have taken photographs of plantations there that have been completely denuded of foliage and reset with more plants than were originally set there by Mr. Olmsted. I have seen at least 300 trees that were set at regular intervals on the roadway removed, most of them destroyed, and trees that were originally 45 feet apart are now set 50 feet apart. The only reason I could see for their removal was that they might be five feet farther apart. They were far from interfering with each other, did not approach within fifteen feet of any interference, so there was no reason for removing them because of interference. I lament very much the destruction of the pine trees there. Prior to that the robins were seen there all winter. I have seen them at all times during the year. But at the present time they do not and cannot winter there. I have seen in the past at one time 50 king-birds feeding on the mountain ash trees. There is only one mountain ash tree in the Fens that I know of, at the present time. There may be more. It seems that the only trees which have been saved are the willows and the white birches. Why they were saved I cannot see, for they are short-lived trees. But about everything else has been cut down — especially the larger and better trees — to make room for these new plantations. My friend Mr. Longley protested against the cutting of the pines. They were next to his house, near the Commonwealth-avenue bridge. But his protests amounted to nothing. The place was cut over two or three times, until everything was taken off but one willow and another tree — I don't know what it was — and the ground was reset with more shrubs and trees than were originally placed there. I have a photograph of that plantation, before that work and after. They went over it after my photograph was taken, and since the last cutting, since their going over it a third time and taking everything but these trees I have spoken of, there has been this new planting, and as you look at it now there are more trees than were originally set there. Those are substantially the things I have observed there, which I very much lament, things which have set back the development of the Fens ten years, I should say.

Q. Dr. Barnes, have you taken the trouble to make any schedule, or have you taken any pictures in that section?

A. I have photographs.

Q. That you have taken yourself?

A. That I have taken myself. All my neighbors have protested against the work that has been done there. I have

not seen a person that goes out there who has not protested. I think I am known out there more than anybody else who visits the place because I have been there more, and the men all know me by name and sight. I have not seen a person in the Back Bay who has not protested against that destruction of the Fens plantations.

Q. Have you those photographs, Doctor?

A. I have.

Mr. MATTHEWS.—Will you send for a map, Mr. Chairman, so that Dr. Barnes can identify the exact points?

Mr. LUNDY.—Yes, Mr. Chairman, have a map sent for.

Mr. MATTHEWS.—Mr. Clarke says he can get one.

Dr. BARNES.—I think I can explain the location so that the committee will recognize it.

Q. (By Mr. LUNDY.) If you will do that, Doctor.

A. I lament very much the cutting of those great pines which flanked the Richardson bridge. They were interfering with each other, to be sure, but that is the natural growth of the pine, and when they had risen above the bridge it would have been a magnificent spectacle to see the bridge with tall pines rising above it. Everyone of those has been destroyed, and I have a photograph of the burning. (Showing a photograph to the committee.) There is the Richardson bridge. The pines have all gone, you see. There is one of them—a log.

(Mr. Clarke at this point produced a map of the Fens.)

Dr. BARNES.—This first picture is taken close by the Richardson bridge, on the south side of it. It was originally planted with large pines, and this picture shows only one pine log in the foreground. I think there were 20 or 30 pines there. This shows only the birch trees left. That has all been reset with other growths.

Q. (By Mr. MATTHEWS.) Where is that, Doctor?

A. That is the south side of the Richardson bridge, Boylston street. It is taken on this side, I think.

Q. Looking down?

A. Looking towards the bridge, looking down stream.

Q. Where is it taken from?

A. Taken from the Fens, here.

Q. Oh, taken from the marsh?

A. Taken from the marsh, looking towards the bridge. That is the outline of the bridge.

(The photograph referred to was introduced as "Exhibit 91.")

Q. (By Mr. LUNDY.) You have some other photographs?

A. Yes. This second one was taken from the railroad bridge, looking toward Beacon street. This is the original plantation, as Mr. Olmsted planted it. The second picture of this group is the plantation after being cut the first time. It was subsequently cut a second time, and all the pines were removed, but the birch trees and one or two willows were left. (Referring to map.) There is the railroad bridge, and this is the plantation, toward Beacon street. It was there, that hill.

Q. Looking over there?

A. Yes, taken from the bridge, looking over there.

(The picture taken before the cutting was marked "Exhibit 92," and the picture taken after the cutting was marked "Exhibit 93.")

Q. Proceed, Doctor?

A. There has been another cutting there, which took all the pines, so that there are none there now, and it has been replanted thicker than before.

Q. (By Mr. MATTHEWS.) Exhibit 93, then, is after the first thinning?

A. The third series is the plantation near Commonwealth avenue, the Commonwealth avenue bridge, looking toward Mr. Stetson's house on Commonwealth avenue. Here is the bridge. (Showing photograph to committee.) The companion to that shows it with pine trees standing, but they have been since removed, so there is practically nothing there but the new planting. That is what Mr. Longley protested against, he living on the side of the avenue looking into those pines. (The two photographs just referred to were introduced as "Exhibit 94" and "Exhibit 95.") There is another one here looking toward the houses on the east side, showing the reconstruction. That plantation was originally completed by Mr. Olmsted, with flowers and grasses. It was all dug over and replanted.

Q. About where would you locate that?

A. Well, you know that group of houses of Mr. Coleman's? This is taken from the pathway looking up towards the houses. (The photograph referred to was marked "Exhibit 96.") There is one here showing the burning of the pine trees. (Showing another photograph to the committee.) It is only interesting in this matter as showing that the trees were perfectly healthy when they were burned. There were hundreds of them, of that character, burned. (The photograph showing the burning was marked "Exhibit 97.") I think it is hardly worth while to present these (referring to two additional photographs, which were marked "Exhibit

98" and "Exhibit 99"), as they only show denuded plantations. They were on the west side of the Fens, — part of the plantation that I thought was completed five years ago.

Q. The west?

A. Yes.

Q. Can you locate that exactly?

A. No, I cannot. I think I remember that tree standing there. It is about half way between these two bridges, as near as I can locate it.

Q. Near Boylston street, somewhere?

A. Yes, between the Richardson bridge and the Agassiz bridge.

Q. (By Alderman GERRY.) I understand you that there were trees burned there?

A. Yes, sir; where robins spent the winters, furnishing great amusement to the children who went out there.

Q. Perfectly healthy trees?

A. Perfectly healthy trees.

Q. How old do you suppose they were?

A. Twelve to fifteen years old. I watched their setting out and had watched their growth since.

Q. White pine?

A. Yes, sir; and many cedars. The cedars were not as large as the pines, however. There were also hackmatacks, all kinds of trees. But this particular photograph is of pine trees being burned. They were burning there for weeks and weeks, trees that were eight, ten and twenty inches through. The largest trees growing in the Fens were burned down — balm-of-gileads. There was no reason for burning them that I could see. I used to pick the buds and squeeze them in my hands. The first indication of spring was when the balm-of-gilead buds began to swell. Two of those trees are left — there were originally seven or eight in the group.

Q. There seems to be considerable difference of opinion about the depth of loam — about the depth that nature supplies and also about the depth that the Park Commissioners, or the Park Superintendent, have put into the different plantations. Will you state what, in your opinion, would be the proper depth for a tree?

A. I think in all the forests of New England —

Mr. MATTHEWS. — Pardon me for one moment. Would the Doctor care to qualify himself as an expert on tree culture?

Dr. BARNES. — I should, sir. I teach that in the college.

Mr. MATTHEWS. Tree culture?

Dr. BARNES. — Agriculture and horticulture, in connection with sanitation. In the pine forests of New England, three or four inches of loam is frequently observed. That gives rather a stunted growth. Twelve to fifteen inches is a large depth for tree growth in New England. I don't think there are many forests, except they be swamps, where the loam is deeper than that; and I was amazed to see them put in three feet of loam in these trenches on the side of the roadways, along the avenues about the Fens. I have observed the roots of vegetation, having cut off a great many acres of forest and having planted a great many trees, and I know that the roots of trees get their nutrition near the surface of the ground — not more than twelve or fourteen inches below the surface at most — except the tap root, which goes deeper for moisture. I have been over the fields in Berlin, where all the sewage is put on the surface, and there are twelve to fourteen inches of vegetable mould, as you call it, there, and fruit is raised on that land; and they would not think of more loam than that, as the food for vegetation is in the upper layers of the earth. Digging down into the earth at Berlin, you do not find any evidences of the fertilizing properties fourteen inches below the surface. The organisms which furnish the plant food do their work in the upper layers.

Q. You mean the bacteria?

A. Yes, sir; the material does not become food until it is decomposed, and that decomposition takes place in the upper layers, at the top of the soil. No material is plant food until it is decomposed by these organisms, and they are found near the surface. Farmers know that, because they work their manure over to accomplish decomposition, knowing that green manure is not plant food. I should say that a few of the trees on the west side of the Fenway, near the Boyle O'Reilly statue, originally set by Mr. Olmsted, are still there and are excellent specimens of trees, are eight or ten inches through, are thrifty and have grown well. They may have been fertilized on the surface. That I don't know; but, if it is so, there is no reason why the 300 or 400 others might not have been fertilized near the surface.

Q. I would like to ask your opinion in regard to the use of loam running from a depth of ten inches, we will say, to three feet, as testified to before this committee — whether it is your opinion that it is necessary?

A. I think ten or twelve inches is necessary — that is, for the best growth; but beyond that there is no necessity for loam. The roots don't go down beyond that depth for

their nutrition. Around a large stump two feet through you will find that the roots have swelled so that they are deeper than that, but the nutrition comes from the small roots, which take their nutrition from near the surface of the ground.

Q. Then, two or three feet of loam in your opinion, as an expert in tree culture, taking into consideration what you know about bacteria as applied to plant growth, is unnecessary?

A. Entirely unnecessary, and, I should say, a waste of public funds. Trees grow in New England and are thrifty, and have grown in the Fens plantations and are thrifty, with much less. There is no question about that. Mr. Olmsted put in ten or twelve inches of loam there, and it was ample.

Q. (By the CHAIRMAN.) Dr. Barnes, I would like to ask you a few questions in regard to the depression of loam. Take an acre of ground, for illustration, and suppose the loam was spread on it eighteen inches deep, in two years time what depression would there be in that loam?

A. What would be the effect?

Q. What would be the depression of it, the shrinkage?

A. It would settle, materially — I couldn't say exactly as to that, sir.

Q. What percentage do you think?

A. I haven't any measurements that would justify me in answering that question.

Cross-Examination.

Q. (By Mr. MATTHEWS.) Doctor, what has been your experience in the culture of trees?

A. Well, I have cultivated a farm a good many years. I have cut off a great many forests, a great many acres under the direction of my father. I know a healthy tree from a diseased tree, from cutting trees myself, with my own hands, and of late years I have set a good many trees.

Q. Anything further than that?

A. I have studied their growth in the parks of Europe, of which I have visited a great many, and I have studied and talked with the superintendents of parks in Edinborough and in Frankfort-on-the-Main — not with the superintendents of all the parks I have visited, but with men in authority; and in Paris, in the Bois de Boulogne.

Q. Have you had any experience further than that?

A. Well, that is all that I recall at this moment.

Q. Your idea is that two or three feet of loam is unnecessary for the proper culture of a tree?

A. I think so.

Q. I believe you have called attention to the fact that the plantations in the Fens grew well before these recent thinnings?

A. Thrifty growths, yes, sir.

Q. Do you know to what depth loam was planted along the slopes of the Fenway basin by Mr. Olmsted?

A. I do. I saw it put in there.

Q. What depth should you say?

A. I should say twelve to fourteen inches.

Q. Would you be surprised to know that that loam was put in three feet deep originally?

A. Yes, sir; but I would not be surprised to find it that way in some parts now, because a great deal of it was washed down to the lower parts.

Q. Do you know, as a matter of fact, what the instructions to the engineers who laid those loam foundations were, originally?

A. No, sir. I only saw the work in process of being done.

Q. You wouldn't know whether they were instructed to lay the loam two or three feet deep, or not?

A. I know nothing about their instructions.

Q. Have you ever directed your attention to the depth of loam used in the Arboretum?

A. No, sir.

Q. You don't know that trees are set out in from three to four feet of loam there?

A. No, sir.

Q. Has your attention ever been called to the condition of the trees in the Arboretum, those that have been planted?

A. I have seen them myself a number of times.

Q. Would you say that they were good, thrifty trees, in fair condition?

A. I should say that they were.

Q. Have you any opinion concerning the relative rate of growth of trees put in two or three feet of loam, and trees that grow in a natural soil of from four to six inches in depth?

A. I know something of their growth in natural soil; I cannot say what the effect would be if they were planted in three feet of loam, because I have never seen that done, have never observed it.

Q. You are familiar with the manner of counting the age of trees, are you not?

A. I am.

Q. (Showing two cross sections of trees to witness. I show you two samples, small sections of trees?

A. Are these oaks?

Q. These are oaks, Doctor.

A. Where did they grow?

Q. The smaller one grew in the wilderness, in Franklin Park, and is eighty years of age; the other one was grown in three feet of loam in the Arboretum, and is only twenty years of age. I will ask you if you do not now think that depth of loam has something to do with the rapidity of the growth of trees?

A. It would not be necessarily so. This one (referring to the smaller one) might have had a root on a stone.

Q. Well, I will ask you to assume, Doctor, that that was growing in from four to six inches of loam?

A. Well, there might have been something that interfered with the growth of it. That is a very fine mesh for oak. I recognized it as being oak.

Q. It is oak.

A. Yes, sir, and indicates a very slow growth; but there are a great many natural conditions in our forests that influence the growth of trees. I have cut a great many trees like that (referring to the smaller one) where other trees not far away would have a diameter, not as large as this, perhaps (referring to the larger one), but very near it.

Q. You would say that the appearance of the larger one indicated rapid growth?

A. Yes, remarkably.

Q. That is a remarkably wide annular ring?

A. Yes, sir.

Q. Now, the smaller one, of 80 years of age, would indicate to you by its appearance that it was grown under unfavorable conditions?

A. It would — lack of nutrition, grown in an unfavorable soil.

Q. Do you know what the depth of the soil is in the Wilderness, in Franklin Park?

A. I do not, but I suppose it varies, on the hills and in the valleys. I have recently visited the basin in Clinton and have noticed many thrifty trees showing rings as large as that (referring to the larger tree section), or pretty nearly.

Q. Good soil?

A. Very good soil.

(The smaller tree section was introduced as "Exhibit 100," and the larger as "Exhibit 101.")

Q. Doctor, the line trees you have spoken of, that were taken out, were exactly where, if you can show me on the map?

A. (Referring to the map.) They were from the Richardson bridge up to Brookline avenue, on both sides of the roadways.

Q. Which side of the park?

A. All sides, from Richardson bridge along here and here (referring to the map), to Brookline avenue here.

Q. Clear down here?

A. Yes, sir — I mean, on both sides of the roadway, down here to Boylston street.

Q. I understand you to say that this line of straight border trees was taken out on both sides of the Fens?

A. Yes, sir.

Q. And on both sides of each boundary row?

A. Some of them, — I think not on the bridle path.

Q. They were not all taken out?

A. Yes, except a few around the Boyle O'Reilly statue, and opposite Mr. Coleman's houses.

Q. Did you ever attempt to put calipers on those trees, or otherwise to ascertain the diameter they had attained during the time they had been out?

A. I think I put a tape on a number of them.

Q. And did you compare them with the trees the department left, with respect to their size?

A. Yes, sir; that is, those opposite the Coleman houses and the O'Reilly statue.

Q. Now, were those the same kind of trees, Doctor, — those taken out and those left?

A. I think not. I think they were a different variety, although I cannot say what the Coleman trees are at this moment.

Q. The pine trees that you said were taken out, I wish you would state what sort of pine trees those were?

A. They were white pine and hard pine that I referred to.

Q. What do you mean by hard pine?

A. The one that has the three bristles, and the five bristle pine is the white pine.

Q. The five bristle pine would be the white pine?

A. Yes.

Q. And the three bristle pine?

A. Call that the hard pine or the red pine.

Q. The red pine?

A. The red pine. But they were chiefly the white pine.

Q. Are you certain that you are right about that?

A. Yes.

Q. That the three leaved pine is the red pine?

A. Yes.

Q. The common red pine of New England has three leaves in the bunch?

A. Yes; in the country districts it is called "hard pine,' in contra-distinction to the soft or white pine.

Q. Well, when you say "hard pine," you mean the red pine?

A. Yes; most of the wood is red — the inner wood.

Q. Now, are you not aware, doctor, that most of the pine trees taken out were Norway spruce?

A. I think I know a spruce from a pine, by the needles.

Q. Do you know a Norway spruce?

A. I do; why (referring to photograph), you can see by those pictures that they are pine trees.

Q. And you think there were cedars there?

A. I think there were cedars.

Q. What kind of cedar — the common red cedar?

A. The common red cedar; there are a few there now.

Q. Some balm-of-gileads?

A. Yes; those were the largest trees there.

Q. Did you ever read Mr. Olmsted's description of his theory of planting the Fens?

A. No, sir; but I have had some conversation and correspondence with him about it.

Q. Have you read the reports he made to the Park Department at various times, concerning the manner in which the Fens plantations were laid out by him.

A. I have read them, but not recently.

Q. Do you remember his there stating that these balm-of-gilead trees were put in as nurses, with the idea of their being taken out in the course of time?

A. No, sir; I do not.

Q. Do you feel certain that he never said that?

A. I think some of them might have been taken out with advantage; I quite approve of trimming.

Q. Would you be surprised if Mr. Olmsted, in his report to the department, stated that the grounds had been planted with pines, spruces, balm-of-gilead and other trees, to act as nurses, simply with the idea of having them taken out at the expiration of a very few years?

A. No, sir; but I think nursing is a very proper thing to do.

Q. It is a common thing to plant trees as nurses, to be taken out afterwards?

A. Yes, sir; but in such cases you don't take everything out.

Q. Don't you think these pine trees and balm-of-gileads were put in for that purpose?

A. No, sir; in fact, they could not have been put there for any such purpose, because they were entirely removed, leaving, in some instances, nothing but sumacs.

Q. If Mr. Olmsted, in various communications printed by the Park Department, stated that those trees were planted as nurses, for the purpose of being taken out afterwards, wouldn't you want to qualify your statement?

A. I don't see, if you subsequently take out every tree, where the nursing is.

Q. Would you be surprised to read such a statement?

A. No, sir; because, interpreting his statement in the light of conversations I have had with him and what I have read, I am quite convinced that it is a wise thing to prune the Fens and other parts of the parks, but not to take everything out and leave it bare. Where nothing is left, of course there can be no nursing.

Q. Don't you know that Mr. Olmsted repeatedly stated to the Park Commissioners that those plantations contained Norway spruces, pines, balm-of-gilead and other trees put in there principally as nurses, all of them to be taken out when the plantation as a whole reached a certain age?

A. I did not so interpret his writings. I supposed some of those trees would be left there.

Q. That is, you supposed some of the trees used as nurses would be left?

A. I supposed that some vegetation was to be left there.

Q. I am asking you about these trees put in as nurses?

A. I suppose some were put in merely as a shelter for other trees.

Q. And that is a common practice?

A. A common and proper practice.

Q. And it is proper to take them out when the plantation reached a certain age?

A. Yes, sir.

Q. You think, as a matter of fact, that that was not done?

A. I think it was very effectively done. (Laughter.)

Q. It was not done until Mr. Pettigrew was appointed superintendent?

A. I don't think anything was done, and I think it very strange that no more thinning was done until he took charge of the work.

Q. Do you know that Mr. Olmsted complained to the Park Commissioners that he could not get those plantations thinned?

A. No, sir.

Q. Do you know that he asked the Park Commissioners to remove Fischer, because he wouldn't follow his instructions in regard to thinning the trees?

A. No, sir; I only know that I saw poor old Whalen crying when he was ordered to cut down some of the trees. He tried to save some of them, but couldn't.

Q. Don't you know that Mr. Olmsted was trying continually to have those nurse trees thinned out, and urging upon the Commissioners the necessity of having it done?

A. I don't know it.

Q. And that he couldn't get it done, because the plantation was in charge of Fischer, and Fischer wouldn't do it?

A. I don't know about that.

Q. And that finally Mr. Olmsted induced the Commissioners to get rid of Fischer, by abolishing his office, — do you know that?

A. No sir.

Q. Never heard of it?

A. No, sir.

Q. I will now ask you one or two other questions, doctor, about matters which have not referred to yet. Am I right in assuming that at various time in the past ten years you have paid some attention to the progress of the work on the portion of the Fens you are interested in?

A. You are quite right, sir.

Q. And have you not at various times complained that the laborers didn't do their duty and didn't work as well as you thought they ought to work?

A. I have published a number of articles in that line, but where I have put the blame on the Commissioners, that has been cut out of the newspapers, so that it has left the whole criticism on the laborers.

Q. You have published a number of such articles?

A. I have published a great many, Mr. Matthews. I helped in your election once, by publishing one. (Laughter.)

Q. And you complained to various city officials that work on that part of the park was being conducted by loafers?

A. Well, I complained of the Commissioners, and I couldn't get it published.

Q. Well, what I am trying to get at, doctor, is, what was the thing you complained of? Was it not the fact that the work was not done?

A. Only when you were mayor. When you were mayor it was done very nicely indeed. (Laughter.)

Q. Well, I am obliged for that certificate of activity, doctor, but what I want to get at is this — whether or not the ground of your complaint was that the laborers in that part of the Fens didn't work?

A. I should hardly state that; they were not given work, in many instances. That was not under the present Board, so I don't see what it has to do with this inquiry. But my complaint was that, in many instances, work was not planned for them.

Q. There was lack of supervision, then?

A. Very great lack.

Q. Do you know who was foreman in charge of those men at that time?

A. Yes; I do.

Q. What was his name?

A. The foreman's name was Jeffery.

Q. That is what I thought. Now, I would like to ask you a few questions on another topic —

A. He was working under somebody else, however; I do not attribute the fault to him.

Q. Well, he was foreman in charge of the men, and you complained that the work was not done properly?

A. Yes, sir.

Q. You live near the Fens, don't you?

A. Yes.

Q. And have lived there a great many years?

A. Yes, since the beginning; I paid an assessment to complete it, once.

Q. Have you considered the scientific object sought to be attained by the construction of the Fens basin?

A. I have.

Q. And have you formed an opinion concerning the propriety of that scheme and its success?

A. I think it was very grand, up to the time when they began the destruction of the foliage.

Q. I am talking now not of the foliage, but of the hydraulic and engineering features of that scheme?

A. It has been very wise indeed; it has contributed a great deal to the better sanitary condition of that district.

Q. You think the engineering part of the Fens, on the whole, has been a success?

A. Well, there is a good deal to be done there now, because the sewage has been discharged into the basin.

Q. I was going to ask you if there had been trouble there lately because of deposits of filth on the marshes?

A. There has been a great deal, and it will continue for a good many years to come, and I suppose that is one of the reasons why Mr. Olmsted planted the foliage so thick about there, to hide the dirty water. Now it is all laid bare.

Q. Do you say that that nuisance will necessarily continue for a great many years?

A. I think it will; I understand that the storm overflow of the Metropolitan sewer goes in there.

Q. And it will continue as long as the basin is used for overflow?

A. Yes, sir; I think it will.

Q. Wasn't the basin constructed for that very purpose?

A. There was a good deal of work done with that very idea. Work, for the purpose of flushing, was done at a cost of thousands of dollars, in order to get rid of the sewage, I suppose.

Q. Whether or not one of the ideas in the construction of the Fens basin, from the engineering standpoint, was not to provide a place for the reception of such overflow water?

A. I think there was an attempt to provide for the Stony brook overflow and also to take care of the sewage, by providing for the tidal overflow in that basin.

Q. In those particulars you would not say that the scheme, as a whole, has proved a success?

A. Oh, I think it is the beginning of a very desirable thing; but, of course, the main thing is to get rid of the sewage, which the commissioners cannot do. They are not to blame for that.

Q. Do you know that the city is now constructing a separate sewer or conduit to carry off the water from Stony brook and these sewers?

A. A part of it. I understand that some of the flood waters of Stony brook are being diverted to Mother brook.

Q. And part of them are to be conducted through the Charles river or elsewhere, by other means?

A. Than the present overflow; yes, sir.

Q. Then, when that takes place, the original scheme, the end originally had in view in the construction of the Fens, will not be served by that basin?

A. It does not seem to me that that will remove the sewage that comes in there at the present time. That will help to remove the flood water of Stony brook.

Q. That is to say, the flood waters of Stony brook are to be taken out of the basin?

A. To a certain extent; one-third or two-thirds, I am not sure which.

Q. Yet the Fens basin was constructed for the purpose of holding them?

A. Well, I suppose the plan was for the purpose of shifting over the water shed of the Stony brook territory.

Q. You would say that, as a means of taking care of the superflous waters of Stony brook, the basin is not adequate for the purpose?

A. I don't think it is; in fact, I know those basins are flowed higher than was originally intended at the present time — that they were twice this spring. The waters went up higher on the banks than was expected.

Q. (By Alderman GERRY.) You say that Mr. Jeffery was the foreman there at the time when you noticed this state of affairs out there that you have referred to, in regard to the men?

A. He didn't plan the work.

Q. Do you know just what his position was?

A. Well, he was a subordinate of some other person. He always claimed to me that he hadn't authority to plan the work, didn't undertake to plan the work.

Q. That was his complaint?

A. Yes, sir; I went to General Walker and asked him to go out there, and he said that he did not consider it his duty to look after the details of the work.

Q. Whose duty did he consider it?

A. The engineer's, he said — Mr. Howe's.

Q. Mr. Howe was in charge of the work, then, and not Mr. Jeffery?

A. Yes; I was very much interested in the matter, and desired to have the trouble remedied, and I went to see General Walker and tried to get him into a carriage which I had there and have him go out there with me to see what was being done. But he declined. He said he didn't think it was his duty to look into those details.

Q. Do you know whether he mentioned it to Mr. Howe?

A. Yes, he did; and Mr. Howe came to me and wanted me to be more specific in my charges.

Q. Well, did Mr. Howe correct it?

A. No, sir; he did not.

Q. Then you don't wish to testify before this committee that it was Mr. Jeffery's fault that that thing went on?

A. I don't think it was Mr. Jeffery's fault, from what I observed at that time.

Q. (By the CHAIRMAN.) Just one or two questions. You have taken some snap-shots of laborers working at that particular place, have you not?

A. No, sir.

Q. Never did?

A. No, sir.

Q. You have written some articles to the Boston "Record" in regard to the actions of laborers working there?

A. There was a time last winter when Mr. Wells sent fifty people out there to the Back Bay to do nothing, and I took pictures of them. But the laborers were not to blame

for that. They were sent out there, and there was nothing for them to do. They were there for a week, and after that, when the pictures appeared they disappeared.

Q. (By Mr. MATTHEWS.) You said that some of these photographs were pictures of pines. I will show you Exhibit 97, which is the holocaust of trees, and ask you if you will renew that statement now, after looking at the photograph a second time?

A. (Examining photograph.) I certainly shall, because I saw them cut the trees.

Q. You mean to say they were pine trees?

A. I do, sir.

Q. (By the CHAIRMAN.) Did you ever see the edgestones that were buried on the Back Bay Fens?

A. I knew the stones, and have reason to believe that that was done with them, but I did not see the process of their being buried there.

Q. You didn't see them buried?

A. No.

Q. And you don't know whether they were buried there or not?

A. I have good reason to believe that they were buried there.

Q. Do you know whether they were straight or curved edgestones?

A. Curved; cut for a circle, just across the Boston and Albany bridge.

Q. You wouldn't assume, then, that they would be much good for edgestones for another place, if they were cut in a circle, would you?

A. No, sir; I shouldn't think they would be of much value after they were removed from their location.

Q. All right to use there, but not elsewhere?

A. Yes.

TESTIMONY OF JOHN A. PETTIGREW. — *Recalled.*

Q. (By Mr. MATTHEWS.) Mr. Pettigrew, you were stating, when the last hearing adjourned, your experience in matters relating to park architecture. I will ask you whether you have any knowledge of botany?

A. Yes; I have studied botany somewhat.

Q. And have you prosecuted any other studies relating to park work?

A. Yes, generally; I have been an omniverous reader of all sorts of works pertaining to horticulture and landscape gardening?

Q. Have you made yourself familiar with the literature of landscape gardening and tree culture?

A. Yes, sir; somewhat.

Q. I understood that your experience, treated chronologically, consisted of twelve years' apprenticeship, working at various kinds of gardening and nursery work, five years as a florist and eleven years as park superintendent?

A. Yes, sir.

Q. What was the designation of the position you occupied in the Brooklyn park system?

A. Landscape architect.

Q. Did you have any landscape work to do for that department?

A. Yes.

Q. By yourself, of your own authority, or in conjunction with some other landscape architects?

A. On my own authority. I gave my ideas to the engineers, and then drew plans for smaller parks. The larger parks had already been planned by Mr. Olmsted, and the work had at that time been carried out.

Q. But all the landscape work on the smaller parks in Brooklyn was entrusted to your sole care?

A. Yes.

Q. Will you describe, as briefly as you can, to the committee, the general character of your duties as Superintendent of the Boston park system?

A. Well, I am the executive officer of the Board, to carry out all the work that they pass upon and order done, of whatever character — that is, pertaining to park construction or maintenance.

Q. What do you do during the various hours of the day?

A. Well, my usual practice is to go down to headquarters, the administration yard, about eight o'clock in the morning, and do what business is to be done there. Then I take up Mr. Shea in my buggy and drive him around, visiting the different operations that are being conducted in Franklin Park, Jamaica Park or the Arboretum. I will arrive at Pine Bank at 11 o'clock probably, stay there until about twelve, and then go down to the Back Bay district and look over the work with Mr. Martin, who is immediately in charge in that district, and in the afternoon I usually take up some of the smaller parks. I cannot go over the whole district every day — that would be an impossibility. Sometimes I will stay half a day in one park. It depends on how much work there is to do, and the necessity for my presence there.

Q. Well, how large a portion of each day do you devote to superintendence of the actual work of the parks?

A. I should think about seven or eight hours. That includes the time that it takes me to travel from one place to the other, of course.

Q. Are you present at the meetings of the Board?

A. Yes.

Q. Always?

A. Always.

Q. Do you make reports to the Commission?

A. I make weekly reports at each meeting of the Board of the progress of the work during the previous week. I also make a report of the disposition of the men during the week and the amounts of the pay-rolls in the different parks. I also make reports upon any matters that may have been referred to me at the preceding meeting.

Q. Is it the custom of the Board to refer matters to you?

A. Yes, sir.

Q. In what shape are those recommendations or those references made?

A. Well, they are the orders of the Board, through the secretary.

Q. I don't know that the committee heard that. In what form do you receive instructions from the Commission as to what you shall do in the matter of reports?

A. Oh, I receive them through the secretary, in written form.

Q. And what do you do with those papers when they come to you?

A. I take them and consider them, and carry out the instructions. If any of it pertains to construction work in the parks, I do the work; if any of it pertains to a report on some subject that has been referred to me for report, I consider it, and so report.

Q. Do you preserve the reference papers?

A. I preserve them all, yes.

Q. Are they here, in this form (referring to a book)?

A. They are there in that form, yes.

Q. Bound together. Special lists of matters referred to you have been submitted, and a list of special reports made by you has already been put in evidence by the secretary of the Commission. Do you make an annual report to the Board?

A. I make an annual report, which is published.

Q. Do you have any other dealings with the Park Commissioners, except at the formal meetings of the Board?

A. Yes, we frequently meet in the parks and consider matters of improvement — I should think at least once a week, usually on a Sunday.

Q. And you meet all three members of the Board, or two of them, or one?

A. Sometimes one, sometimes two and sometimes the whole Board.

Q. Those are visitations by the Commission and yourself?

A. Yes.

Q. And how often do such visits to the parks take place, on the average, throughout the year?

A. Oh, average once a week, I should think, about.

Q. Do you receive reports from your subordinates?

A. I do.

Q. And what kind of reports, and how often?

A. I receive a report from each foreman and each man in charge of any small park or playground, showing the expenditure for labor entered under the appropriate column and against the appropriate account.

Q. I hand you a list of 29 papers, on printed blanks, headed "Foreman's daily report," dated April 19, 1900, and ask you whether those are the reports received by you during the day of April 19?

A. Yes, those are the reports I received on April 19.

(The bound book referred to above was introduced as "Exhibit 102" and the sample list of foremen's reports was marked "Exhibit 103" and will be found at end of day's hearing.)

Q. I understood you to say the other day that you had no personal acquaintance with Professor Sargent?

A. No, I had no personal acquaintance with him before he came down to Brooklyn.

Q. But I understood you to say that you knew him by reputation?

A. By reputation.

Q. What is Professor Sargent's reputation?

A. As an arboriculturalist I should think he is second to none in the world, and I have a very high opinion of his ability as a landscape gardener.

Q. Do you know whether he is in the habit of acting as landscape architect or consulting landscape architect for other than Boston parks?

A. Well, I know of a case in the New York parks, when the plans for the layout of the Botanic Garden in Bronx Park were under consideration, Professor Sargent and, I

think, Mr. Eliot and John Olmsted, were called in consultation, and they made a report on the subject.

Q. Who were Messrs. Olmsted, Eliot and Sargent consulted by in that instance, if you know?

A. I don't know, but I should think it would be by the park authorities in New York, the Park Department.

Q. Do you know of any other case?

A. Yes, I was with Professor Sargent once on a visit to Wilmington, when he was consulted on some changes in the park system there.

Q. Consulted by whom?

A. By the Commissioners of the parks.

Q. Did you know the Olmsteds before you came to Boston?

A. I knew Mr. John Olmsted personally — knew the other Mr. Olmsted by reputation, of course.

Q. Did you receive any communication from Mr. Olmsted at or about the time you came to Boston?

A. I received a telegram from him complimenting me.

Q. (Handing telegram to witness.) Is that it?

A. That is it.

Mr. MATTHEWS. — I will read this telegram:

"To J. A. Pettigrew, Superintendent, Prospect Park, 23 Kenmere avenue. Glad to hear you are coming to Boston. You will find the conditions more favorable in every way. Wire me Shoreham, Washington, if important for me to visit Brooklyn next Wednesday. Would prefer 29th. Jno. C. Olmsted."

(The above telegram was marked "Exhibit 104" and will be found at end of day's hearing.)

Alderman GERRY. — Is that the old Professor?

Q. (By Mr. MATTHEWS.) Is that the senior?

A. That is young Mr. Olmsted, the head of the firm now.

Q. At that time Mr. Frederick Law Olmsted was not in active practice, was he?

A. No, sir.

Q. Mr. Pettigrew, I wish you would explain to the committee some matters relating to the employment of labor, with reference to the appropriations for the parks. I asked you to prepare some figures — have you them with you?

A. Yes, I gave them to you.

Q. I haven't seen them yet?

A. On the back of that envelope, I think, you will find a memorandum. I think they are in the envelope.

Q. Can you state to the committee what is done or can be done out of an annual appropriation of $140,000 or $150,000 for maintenance, in the employment of labor?

A. Well, exclusive of specials, under which head come the superintendent, engineers, foreman, athletic instructor, shepherd, sub-foremen, mechanical engineer, time-keeper, clerks, blacksmith, farmer, gardeners, carpenters and teamsters, we can employ 56 laborers. We have already 23 veterans, who, of course, by reason of their age, are physically incapable of performing very much work.

Q. Well, do you mean that you can employ 56 plus 23?

A. 56 plus 23.

Q. Laborers?

A. Laborers. That is, on an appropriation of $155,000. Our appropriation is $151,400, and we have to cut down laborers.

Q. That is, on an annual appropriation for maintenance, say, of $150,000, there is enough money to keep employed permanently some 80 odd laborers?

A. Yes, sir.

Q. Exclusive of what you call special employees — such as carpenters, teamsters, etc.?

A. Yes.

Q. You mean by laborers those who rank on the civil service list as such?

A. At $2 a day; yes.

Q. If a larger force of laborers is employed, from what source must the money be derived?

A. I couldn't tell you.

Q. Well, is there any possibility of employing a larger number of laborers than the number you have mentioned permanently, throughout the year, out of your maintenance appropriation?

A. No, sir.

Q. And is that eighty odd the average number of men, of laborers, that have been carried on the maintenance rolls of the department for some years past, or more or less?

A. Well, I think we could in the past carry a little more, because there are now some charges that are charged to maintenance account, which previously we could divide up with the construction account. For instance, part of the clerk hire was charged to the maintenance account and some engineering. We could help out on almost anything by charging a little of it to construction. But now, when we have simply a maintenance account, there are certain charges — for instance, janitors and all that sort of thing — that we have to provide for out of the maintenance account. It would be cheaper to do a larger amount of work, if we could do it with the same force at the same fixed charges.

Q. Mr. Pettigrew, what has been the policy of the department since you have been connected with it, with reference to the execution of work by day labor or by contract, in comparison with the policy that existed prior to your coming here?

A. Well, we have endeavored to do everything by day labor — everything but wall building or construction of buildings, iron fence building, anything of that kind that we couldn't perform. All kinds of grading, putting in the foundations for the walls, and rough wall building, we have done ourselves, with our own labor.

Q. Was any of that work done by contract prior to your arrival, as far as you know?

A. Yes, there were two contracts in operation when I came here for grading — one for grading a road in Jamaica Park and the other for a small portion of the Peter's Hill road.

Q. Will you state to the committee your reasons for performing to-day the class of work you are now engaged upon by day labor rather than by contract?

A. Well, there are many reasons why it is much better. We can get the work done just exactly as we want it, can have loam placed exactly where we want it, and if we find any place where we want to make a change we can do it more readily. Sometimes, in the execution of work, it is desirable to make some changes. If the work is done under contract, the changes always cost a great deal of money; the contractor always wants a great deal of money for making any changes in his contract. By doing it ourselves we are enabled to keep a larger force of men employed, and we can work a large force much cheaper than we can a smaller one. Take it altogether we have better control of our work.

Q. Has the number of laborers in the Park Department been increased since your connection with it?

A. Yes. I think when I came into the department there were about 260.

Q. Well, you mean laborers as such, or including the specials?

A. Yes, laborers, without the specials. I am speaking simply of laborers. Before the suspensions we had, I think, about 350.

Q. You mean before the recent suspensions?

A. Before the recent suspensions.

Q. (By the CHAIRMAN.) How many do you say you have now, Mr. Pettigrew?

A. Now I think we have about 215 or 220.

Q. (By Mr. MATTHEWS.) That is, at the present time; but prior to the suspension 350, as compared with about 260 three years ago?

A. Yes.

Q. Is there any discrimination practised by the Commission or yourself, or by anybody else to your knowledge, in the selection of laborers?

A. Well, we discriminate in favor of men who look as though they can work — no other discrimination.

Q. Is there any discrimination on geographical grounds?

A. No, we have never taken that into consideration when we have been employing men.

Q. I suppose the committee is thoroughly familiar with the manner in which laborers are procured by the Board. You make drafts on the Civil Service Commission, do you not?

A. On the Civil Service Commission; yes, sir.

Mr. MATTHEWS. — I would like to offer one draft, as a sample.

(The draft referred to was introduced as "Exhibit 105," being the usual form of requisition on the Civil Service Commission.)

Q. (By Mr. MATTHEWS.) After you make a requisition on the Civil Service Commission for a given number of men, what is the next step?

A. They send us a list, including twice the number we call for, from which we make selections.

Q. (Handing paper to witness.) Is this a sample list, a sample of those received by you?

A. Yes, sir.

(The list referred to was offered as "Exhibit 106," and will be found at end of day's hearing.)

Q. These lists give the names of the men and their residence?

A. Yes, sir.

Q. (By the CHAIRMAN.) This is a sample of the requisition you make on the civil service, is it, Mr. Pettigrew?

A. No. That is a sample of the list we receive in return for the requisition.

Q. Are these ones that are checked off back of the addresses the ones you selected?

A. They are checked off, I think, with a pencil mark, those that are selected.

Mr. MATTHEWS. — I have lists here showing the manner in which the requisitions were executed.

Q. (By Mr. MATTHEWS.) Have you had prepared at my request a table showing, for the year 1899, the residence,

with reference to the different geographical divisions of the city, of all the laborers whose names were sent to you by the Civil Service Commission and those selected by you, and the percentages?

A. Yes, sir.

Q. (Showing paper to witness.) Whether or not this is the paper?

A. Yes, sir; that is the paper.

Q. And whether or not you have had prepared at my request a similar list of all the laborers sent down by the Civil Service Commission during the three years you have been connected with the Boston parks?

A. Yes, sir.

Mr. MATTHEWS. — Mr. Chairman, I offer this: Laborers employed from the civil service lists during the year 1899, showing the total number of names sent down from South Boston, the city proper, Dorchester, Charlestown, Roxbury and Jamaica Plain. There didn't happen to be any from East Boston that year on the civil service list. This gives the number that were accepted by the Commission, the number that were rejected by the Commission, and the number of names of men who did not report. I have a similar paper that perhaps you would rather see first, showing the transactions in connection with the civil service list, with reference to the employment of labor for the entire period of three years, during which Mr. Pettigrew has been connected with the Park Department, and I will read that in greater detail. It shows a total of 470 names sent down by the Civil Service Commission, divided between South Boston, Dorchester, Roxbury, East Boston, Jamaica Plain, Charlestown, the city proper and Brighton. It shows the number accepted and the percentage for each district, the number rejected and the percentage for each district, and the number of men who did not report. I would submit that the fairest means of testing the impartiality of the superintendent in the selection of labor, with reference to the several districts of the city, is to take the percentage of names rejected, although it does not differ materially from the other. Yet it is affected by the fact that many men did not report at all. It appears from the table that the percentages rejected in the different sections are as follows: South Boston, 24; Dorchester, 20; Roxbury, 26; East Boston, 7; Jamaica Plain, 32; Charlestown, 33; city proper, 27; Brighton, 21. The percentages of names accepted are as follows: South Boston, 63; Dorchester, 69.6; Roxbury, 62; East Boston, 64.3; Jamaica Plain, 62.7; Charlestown, 38; city proper, 55; Brighton, 31; and there

is a similar list for the year 1891, which I will show to the committee.

(The two tables above referred to, "Laborers employed from civil service lists for 1899," and "Laborers employed from civil service lists in 1897–99," were marked respectively "Exhibit 107" and "Exhibit 108," and will be found at end of day's hearing.)

Q. (By Mr. MATTHEWS.) Have you also had prepared for me a table showing the residence of the laborers retained at the time of the recent suspension, with the percentages?

A. Yes, sir.

Mr. MATTHEWS. — I will offer this. This shows the percentage of laborers retained at the time of the suspension in February from the several districts: Brighton, 54 per cent.; Charlestown, 45 per cent.; city proper, 41 per cent.; Dorchester, 30 per cent.; East Boston, 33 per cent.; Jamaica Plain, 40 per cent.; Roxbury, 40 per cent.; South Boston, 40 per cent.

The CHAIRMAN. — That is not the whole of it. Read the numbers of men.

Mr. MATTHEWS. — That gives the percentage of men retained from the different sections.

The CHAIRMAN. — Well, give the numbers of men retained.

Mr. MATTHEWS. — The total number of laborers in Roxbury was 112, for instance. The Commissioners retained 45, or 40 per cent. I will read the whole list, if you like.

The CHAIRMAN. — I wish you would.

Mr. MATTHEWS. — The whole number of laborers from Brighton was 13, of whom 7 were retained; from Charlestown 11, of whom 5 were retained; from the city proper, 22, of whom 9 were retained; from Dorchester, 44, of whom 13 were retained; from East Boston, 9, of whom 3 were retained; from Jamaica Plain, 84, of whom 33 were retained; from Roxbury, 112, of whom 45 were retained; from South Boston, 39, of whom 15 were retained. The percentages I have already read.

(The paper referred to, "Exhibit 109," will be found at end of day's hearing.)

Mr. MATTHEWS. — I will call special attention to the table showing the way in which the civil service list is handled, which shows practically an even percentage for each district of the city.

Q. (By Mr. MATTHEWS.) Mr. Pettigrew, have there been any complaints since you have been connected with the Park Department of this city relative to the selection of teams by lottery, by lot? Will you state to the committee what your experience in that matter has been?

A. The only complaints I have heard have been from teamsters who have claimed that higher numbers have been employed than they held. On investigation we found very few cases where there was any ground for the complaint. In other cases it occurred through our need of some special truck or sprinkling wagon, or something of that kind, that we reached out to a high number, when the low number could not furnish the wagon or whatever we might want. In those cases, it was only a temporary need. The team was dismissed as soon as we were through, whatever particular truck we might have.

Q. How many such complaints do you think have reached your attention in the past three years?

A. Oh, I don't think more than five or six.

Q. Have any complaints been brought to your attention of alleged substitution of one team number for another, or of a wrong team on a number?

A. No; none of that character.

Q. Will you state to the committee your opinion of this system, if you have formed any—whether it is a good one or not?

A. I think it is a good system. It frees us from the evils of political patronage.

Q. That you consider a practical advantage?

A. That is the practical advantage. I might add to that that it has another advantage, in that it divides the work up among a larger number of persons. There is always a tendency in employing teams for the city, or for large corporations, to go to one concern that can furnish a large number of teams.

Q. There has been something said, Mr. Pettigrew, in this investigation, about an alleged mistake made by the department in the location of a boundary fence along Franklin field. What can you state to the committee on that subject?

A. Well, this is a a fence built on one of the boundaries of Franklin field. We built it on the taking line furnished by Mr. Baxter. I think that is the name of the surveyor. It was afterwards found that the line was wrong, and we moved back the fence to the line that was recorded, the recorded lot line.

Q. Did you have any conversation with Mr. Higgins about the matter at that time?

A. Yes.

Q. Did you ever say to Mr. Higgins, "To hell with the fence," or words to that effect?

A. I did not, sir.

Q. Was anybody present at that conversation besides you and Mr. Higgins?

A. Mr. Shea and Mr. Bean were there.

Q. It has been said that the sheep-fold or sheep-pen at Franklin field was offensive, owing to the noise of the sheep. Can you give the committee any information of that subject, Mr. Pettigrew?

A. Well, I never heard the sheep make any noise over there. I have been there frequently, and I may say that I live within 600 or 700 feet of the sheep barn while it was in Franklin Park, and I never heard a noise from the sheep barn at all.

Q. Was the matter ever called to your attention by the Park Commissioners?

A. Yes; I was asked to investigate and report on a complaint by Mr. Higgins, I think it was.

Q. Did you make a report?

A. I made a report, sir.

Mr. MATTHEWS. — I will offer the correspondence between the Board and Mr. Higgins — no, Mrs. Higgins — at this time.

(The correspondence referred to was marked "Exhibit 110," and will be found at end of day's hearing.)

Q. Mr. Pettigrew, what has been your experience in building roads, catch-basins, gutters, etc.

A. My experience in road building extends over eleven or twelve years. I have built a large quantity of them in Chicago, Milwaukee, Brooklyn, and here in Boston — not so much in Boston as in the other places.

Q. Will you state to the committee your opinion of the roads, catch-basins and gutters laid on Peter's hill?

A. The roads are first class. The catch basins I examined personally myself yesterday morning, with a view to investigating the complaint made by Mr. Jeffery, that the cement was bad. I looked at every catch-basin on the side of the hill that he complained the bad cement was used on, and I found them all in good condition. The cement was hard and firm.

Q. What do you say about the gutters?

A. The gutters are in good condition. I would say in regard to Peter's hill that we doubled up the catch-basins there, with a view to taking off the water quickly, and we didn't make the gutters as wide as they would ordinarily have been made with a slope of that kind; but that was more than counterbalanced by the putting in of more catch basins. A wide gutter, that takes away from the width of the road, I think, is not sound economy. It is more economical to build more catch-basins to take the water off more quickly.

Q. Have you said anything about a change in the gutters? If not, I wish you would explain the statement of Mr. MacCallum about a change in the gutters on Peter's hill, or a change in the grade.

A. Well, there was a complaint made by Mr. MacCallum that the gutters had all to be raised or renewed, I think. The only renewal of gutters was a piece built, I think, by Mr. Dolan. The line was not a very good one. The length rebuilt was 210 feet. I think it amounted — well, you have a statement of the cost there, but it was something like $15 or $16.

Q. (Handing memorandum to witness.) What do you say was the cost of making that change in the gutters?

A. (Examining memorandum.) The cost of making the change in the gutters was was $15.21.

Q. Something has been said about delivering gravel or giving gravel to a contractor named Coleman. Do you know anything about that matter?

A. That was while we were digging out the outer space in the ride along the Fens. We made an arrangement with him to dig the gravel out and to take it away, and paid him ten cents a yard to do it.

Q. Did you make any efforts to get rid of that?

A. Yes, we gave it to whoever was willing to come for it; but the demand seemed to slack off, and Mr. Coleman, very fortunately for us, needed the gravel to make up a street in the Fens, and he took it away. It was a decided advantage to the Park Department. We would have had the gravel to dig out, and would have had to make a dump for it.

Q. Did you have any place where you could have used that gravel?

A. No, sir.

Q. Did you make any effort to unload that gravel on the Street Department?

A. Not at that point; but we invited the Street Department to come and take some at Jamaica pond, and they said it didn't pay them to take it away, as they would have to store it.

Q. What was the nature of this gravel that was delivered to Mr. Coleman? What was its quality, etc.?

A. Oh, some of it might have been used for cement mortar, by screening. It was the filling that was put in the Fens — run in by the railroad — at the time the roads were filled up.

Q. This was taken from the ride?

A. Yes, sir.

Q. Had it been mixed with clay or loam?

A. Yes, some clay and loam, and some of the old dock mud that was dredged from the bottom of the Fens.

Q. Something was said about the road near Audubon Circle. What do you say about the manner in which that road was constructed?

A. Well, the road was constructed just as well as I can construct roads. I think I can make a good road.

Q. Is it as good as the other roads in the parks?

A. Just as good.

Q. Have you been over it lately?

A. Yes, sir.

Q. One witness complained that ashes were dumped into the brook on the Neponset Playground, and used for filling?

A. Well, we did receive some ashes for filling there. The ashes are just as good filling as any other. We rather encouraged the contractors to bring in ashes, because we could use the good ashes for levelling up uneven spots on the ball ground to better advantage than we could use common gravel. And what we could not use for that purpose was dumped in the ditch.

Q. Do you know anything about the wall along the Strandway, along H street, that was covered up by your operations?

A. No, sir.

The CHAIRMAN. — I think that was before his time.

Q. Have you ever covered up any wall belonging to Mr. Emery, of South Boston?

A. No, sir.

The CHAIRMAN. — That was built by the Street Department.

Q. What can you tell the committee respecting the sale of certain watering carts?

A. I think it was in the spring of 1898 that on looking over our watering carts our foreman of carpenters, who has charge of that part of the work, said that four of them were in such condition that it would not pay to repair them again. We asked Mr. Potter, who represents the Studebaker Company here, what he would give for the carts in exchange for new ones. He offered $50, I think. We subsequently sold the carts for $75 apiece.

Q. (By Alderman GERRY.) You mean $50 apiece?

A. $50 apiece, yes, in trade. We bought the new carts from him.

Q. (By Mr. MATTHEWS.) What was the condition of those carts when they were sold by you?

A. They were in poor condition. I could not give details. Mr. Bean looked them over, and I have perfect confidence in him. I knew the carts were in bad condition, but as to any details I could not tell without consulting him.

Q. Do you refer to Mr. Bean, the witness which we had here this afternoon?

A. Yes, sir.

Q. Did you see those carts subsequently used upon the parks?

A. Yes, we called them in occasionally — one or two of them, I think. I do not know exactly how many.

Q. Speak a little louder, Mr. Pettigrew.

A. We called them in for temporary work. It was a dry summer last year, and I think we used one of the carts in sprinkling one of the back streets, or on Peter's Hill somewhere, and another on road-making, to water down the macadam before rolling.

Q. Were they employed permanently, or temporarily?

A. No, sir; just temporarily.

Q. There has been something said about curbstones being discontinued in their use, and being either buried up or stored. What has been the practice of the department since you have been connected with it in a case like that?

A. Well, at the Fens we had to remove a circle in the road that held an electric light. That was rather a dangerous place, and we moved the electric light over to a triangle (hesitating) — yes, a triangle. The curbing was radial curbing, and there was a very small chance that we would have a use for it again. We dug a trench and buried it. If it is wanted, it can be dug out. I do not think you could find anyone to take the curbing away for the stone.

Q. What do you do with straight curbing when you discontinue the use of it?

A. Straight curbing we have piled up for use again; but as a general thing there is more time and money spent in moving curbing from one place to another than it is worth. I am quite satisfied that the cheaper way is to have a contractor cut it and put it in for you when you want it.

Q. As a matter of fact, what you have done is to save the straight pieces and to throw aside the curved pieces?

A. Yes. Of course, if we had had any use for it near there, we would have used it; but to cart that stone out to Franklin Field and store it would have been a useless expense. We never could have got our money out of it again.

Q. There has been something said about persons being allowed to pick seeds from the nurseries in the parks?

A. Well, there are teachers who are allowed sometimes to take a few seeds from various plants, for educational purposes, and I think I gave a permit to one nurseryman to take some seeds from the department for his nursery.

Q. Is that a permission freely given by one nurseryman to others?

A. Oh, yes. If I wanted anything from his nursery in the way of seeds, I could have it.

Q. Has the Park Department of Boston ever bought any seeds such as those you allowed to be picked?

A. No, not of the same species that we have allowed to be picked.

Q. Not what?

A. Not of the same species that we have allowed to be picked.

Q. Has it bought any seeds?

A. Yes, we have bought some seeds, but mostly seeds of kinds we did not have — I think all of kinds we did not have in our department.

Q. Do you grow much from seeds in the nursery?

A. Yes, sir.

Q. And from what source do you generally get the seeds?

A. From the parks.

Q. From the nursery itself?

A. Yes.

Q. From the parks?

A. Yes, sir; I should say so.

Q. And I understood you to say that you had not bought any seeds of the kind you gave away?

A. No, sir; no.

Mr. MATTHEWS. — Will the committee suspend now, Mr. Chairman, in order to allow me to get a train?

The CHAIRMAN. — How much longer will it take you to finish the examination of Mr. Pettigrew?

Mr. MATTHEWS. — I should say about an hour.

The CHAIRMAN. — How much longer will it take to close the hearing? Can we get through Tuesday?

Mr. MATTHEWS. — I don't think so.

The CHAIRMAN. — How many other witnesses have you?

Mr. MATTHEWS. — Well, I cannot say exactly. I have not had any chance to confer with Professor Sargent. He will return to-morrow, and I shall then have a chance to confer with him.

The CHAIRMAN. — Will he testify?

Mr. MATTHEWS. — I don't know. I have had no chance to confer with him since the investigation started. I have

intended, in putting in our case, to limit the witnesses, if possible, to those who are connected with the Park Department. Of course, if we once go outside of that, or if the committee desired us to do so, we could get every official in charge of parks in large cities and every landscape architect in the United States of America to come here and testify to the good management of the Boston parks.

Alderman GERRY. — Every one?

Mr. MATTHEWS. — I think so. You could not find anyone to testify otherwise. If that is disputed, I guess we had better call some of them; and if we went into that it might take us two or three weeks to put in our case.

The CHAIRMAN. — The reason I asked was because we have some very important work to do after Tuesday, and there are some members of the committee who would like to get through with this by Tuesday, if possible, and we could then arrange to go on with this other work.

Mr. MATTHEWS. — Of course I do not know how long Mr. Lundy and the committee are going to take, but I think I can get through in one or two hearings — possibly in one, but in two, certainly; that is, unless I am obliged to accept Alderman Gerry's challenge —

Alderman GERRY. — That was not a challenge. That was simply a question.

Mr. MATTHEWS. (Continuing) — and call for landscape architects from all over the country. I thought it was unnecessary to call anyone outside of the department; but I want to see Professor Sargent and confer with him in regard to the hearing.

Adjourned, at 5.45 P. M., to meet on Tuesday, May 1, 1900, at 2 P. M.

EXHIBIT No. 90.

SUMMARY.

	Assessed Value.	Damages.	Amount Paid.	Excess of Damages over Assessed Value.
1877–1884	$1,387,588 50	$1,646,629 67	$1,665,006 74	18.2-3%
1885–1889	591,776 39	996,568 65	1,165,023 85	66.2-3%
1890–1894	1,318,782 35	2,222,566 51	2,405,835 58	68.53-100%
1895	330,266 89	597,395 79	703,363 62	80.88-100%
1896–1899	641,579 83	955,619 34	967,901 47	48.94-100%
	$4,269,993 96	$6,418,779 96	$6,907,131 26	50.3-100%

SETTLEMENTS, 1896–1899.

	Assessed Value.	Damages.	Excess of Damages over Assessed Value.
Commissioners	$434,336 90	$589,436 51	35.70-100%
Commissioners and Law Department	21,113 00	52,809 44	150.12-100%
	$455,449 90	$642,245 95	
Law Department	84,922 21	188,916 02	122.45-100%
Jury trials	26,007 72	77,173 82	196.73-100%
Gibson School Land	75,200 00	37,500 00	
Right of Way	.....	9,783 55	
	$641,579 83	$955,619 55	48.94-100%

EXHIBIT No. 103.

WEST ROXBURY PARK, April 19, 1900.

Foreman's Daily Report.

PUBLIC PARKS.	Labor, Amount.	Teaming, Amount.	Total Amount.	Laborers, Number.	Other Employés, Number.
Roads and walks					
Paving and curbing					
Grading					
Drainage	$8 75	.....	$8 75	3	1
Lawns and woods					
Planting					
Walls					
Engineering					
General work					
Boating service					
PARK DEPARTMENT.					
Arboretum:					
Roads and walks	3 13	$2 00	3 13	1	1
Drainage					
Grounds					
Live stock					
Sheep-fold					
Buildings					
Men's gymnasium					
Women's gymnasium					
Skating					
General work					
Repairs					
	.....	$2 00	$11 88		

Miscellaneous.

G. W. T. M. M. N.

_____ *Foreman.*

EXHIBIT No. 104.

DECEMBER 19, 1896.

[Dated at Washington, D. C., 19th.]

To J. A. PETTIGREW, *Superintendent*, Prospect Park, 23 Kenmere avenue, Brooklyn, N.Y.:

Glad to hear you are coming to Boston. You will find the conditions more favorable in every way. Wire me, Shoreham, Washington, if important for me to visit Brooklyn next Wednesday. Would prefer 29th.

JNO. C. OLMSTED.

EXHIBIT No. 106.

SECOND DIVISION.

(Form No. 3.)

COMMONWEALTH OF MASSACHUSETTS.

CIVIL SERVICE COMMISSION.

LABOR OFFICE, ROOM 16, STATE HOUSE,

BOSTON, June 22, 1899.

No. 191.

J. A. PETTIGREW, Esq.,

Superintendent of Parks:

In response to your requision received this date for four (4) laborers to serve as concrete mixers in the Park Department, I have the honor to certify to you, in accordance with the civil service rules and regulations, the following eight (8) names.

The rules require that the names of those selected and employed shall be returned as soon as practicable to the office of the Commissioners.

Attention is called to the following:

Veterans of the war of the Rebellion are indicated by a check (v), and under the provision of Chapter 517 of the Acts of 1896, are entitled to preference in appointment over all other applicants.

Whenever an officer, who shall have made a requisition for a certain number of laborers, shall employ a smaller number, he shall not make the selection therefor from the whole list certified to him, but only from the number of names standing first upon said list, double the number he shall actually employ, except in the case of veterans, when he may select any or all certified.

Number.	Name.	Residence.	Age.	No. in Family	Service.
3250.....	Daniel J. Ring	293 North st., City.....	39	7	
2716.....	Frederick B. McGrath ..	254 E. Eighth st., S. B...	49	5	
1715x	Thomas J. Delaney.....	531 Ashmont st., Dor...	26	4	
2742x	Peter J. Gill.....	13 Water st., Nep.....	22	3	
3054.....	Hugh O'Donnell.....	106 Prince st., City.....	40	2	
2974.....	Michael J. O'Connor....	56 Corey st., Chn.....	30	1	
3364x	James H. Connorton.....	570 Second st., S. B. ...	27		
3485x	Charles N. Bossen.....	2 Jackson st., Chn.....	31		

(180)

MASS. CIVIL SERVICE COMMISSION,
Received,
July 11, 1899.
Labor Office,
Boston, Mass.

Respectfully submitted,
WILLIAM L. HICKS,
Registrar of Labor.

Recorded June 22, 1899. John S. Concannon, Deputy Auditor, Civil Service Div.	Recorded July 15, 1899. John S. Concannon, Deputy Auditor, Civil Service Div.	Recorded July 11, 1899. John S. Concannon, Deputy Auditor, Civil Service Div.

No selections made from this list.

J. A. PETTIGREW,
Superintendent.

EXHIBIT No. 107.

Laborers employed from Civil Service Lists, 1899.

	Total.	Accepted.	Rejected.	Did not Report.
South Boston.....	5	3	2	
City.....	13	7	5	1
Dorchester	7	4	3	
Charlestown.....	4	1	1	2
Roxbury	30	16	7	7
Jamaica Plain.....	8	5	3	
	57	36	21	10

EXHIBIT No. 108.

Laborers employed from Civil Service Lists, 1897–1899.—Total for Three Years.

	Total Sent Down.	Accepted.	Rejected.	Did not Report.
South Boston.....	46	29—63%	11—24%	6
Dorchester	56	39—69.6%	11—20%	6
Roxbury	192	119—62%	50—26%	23
East Boston	14	9—64.3%	1— 7%	4
Jamaica Plain	59	37—62.7%	19—32%	3
Charlestown.....	27	10—38%	9—33%	8
City.....	62	34—55%	17—27%	11
Brighton	14	4—31%	3—21%	7
	470	281—59.8%	121	68

Men Employed by Transfer.

	Total Sent Down.	Accepted.	
City.....	3	3	From Public Grounds Dept.
	2	2	" Water Department.
Roxbury.....	1	1	" Public Grounds Dept.
Jamaica Plain,	1	1	" " " "
Brighton	12	12	" Water Department.
	19	19	

EXHIBIT No. 109.

February 21, 1900.

Place of Residence.	Laborers.	Laborers, No. Retained.	Percentage Retained.
Brighton.....	13	7	54%
Charlestown.....	11	5	45%
City	22	9	41%
Dorchester.....	44	13	30%
East Boston.....	9	3	33%
Jamaica Plain.....	84	33	40%
Roxbury	112	45	40%
South Boston	39	15	40%
	334	130	

EXHIBIT No. 110.

[COPY.]

September 6, 1898.

CATHERINE HIGGINS,
Dorchester:

DEAR MADAM, — In answer to a petition, headed by your name, to the Hon. the Mayor, and Board of Aldermen of the City of Boston, which has come into our hands, we enclose you a copy of the report of our Superintendent, to whom the matter was referred for investigation.

Yours truly,

(Signed) CHARLES E. STRATTON,
Chairman.

[COPY]

BOARD OF COMMISSIONERS OF THE DEPARTMENT OF PARKS.

JAMAICA PLAIN, MASS., September 6, 1898.

CHARLES E. STRATTON,
Chairman:

DEAR SIR, — With reference to the complaint of Catherine Higgins and others of annoyance caused by our sheep-fold at Franklin Field, I beg to say that I am unable to find cause for such complaint. Except in lambing season, the sheep are absolutely quiet; and during lambing season very little noise is heard. A sheep will probably call for her lost lamb.

I venture to say that the whole flock in the day time or night, even during lambing season, would not cause the annoyance that our rattling wagons would make in passing along the road adjoining.

The fold is roomy and the adjoining yard is large in proportion. They are kept in a cleanly condition; a high fence surrounds the place on the boundary line with a planting space between it and the yard fence.

I cannot find any cause for complaint nor for specifications set forth in the petition.

Very respectfully,

(Signed) J. A. PETTIGREW,
Superintendent.

FOURTEENTH DAY.

CITY HALL, Tuesday, May 1, 1900.

The hearing was resumed in the aldermanic chamber, City Hall, Boston, at 2 P.M., Chairman NORRIS presiding, and a quorum present.

Appearances — same as before.

The CHAIRMAN. — The committee will please come to order. We will now proceed with the hearing.

TESTIMONY OF GEORGE F. CLARKE. — *Recalled.*

Q. (By Mr. MATTHEWS.) Mr. Clarke, I understood you had some statement you desired to make.

A. I beg pardon?

Q. I understood you had some statement to hand in to the committee.

A. Yes; with reference to the letters received. Mr. Chairman, I would like to state that an error was made in the statement in regard to the number of letters received. I would like to correct the number of letters received. A count was made, and was sent in on a memorandum to me, and there was a misapprehension as to just what it covered. I understated the number of letters. The count reveals 2,856.

Q. (By the CHAIRMAN.) 2,856?

A. Yes, sir; in the four years. If you will have that correction made in the testimony I put in at the time, I shall be obliged.

The CHAIRMAN. — Go right along.

Mr. MATTHEWS. — I would like to submit the estimates of the department for the current financial year, presented to the Mayor under date of December 20, 1899. (For document submitted see Exhibit 111, at end of hearing.) I would also like to submit a request, under date of January 16, 1900, to the Mayor and City Council for the passage of a loan order of $250,000 to complete the parks. (For statement submitted, see Exhibit 112, at end of hearing.)

Q. (By Mr. MATTHEWS.) Mr. Clarke, are you familiar with the pools in the vicinity of Ward's Pond which was constructed some years ago, and which has since been filled up?

A. Yes, sir.

Q. Do you know for what purpose they were constructed?

A. They were constructed to serve for pools for a natural history garden, which at the time was intended to be estab-

lished there by the Boston Society of Natural History. They had considerable correspondence with the society in regard to establishing the natural history garden there.

Q. Is that correspondence set forth in the annual reports of the Commission?

A. It is all set forth in the annual reports of the Board.

Q. And do you know how many pools were built in conformity with that arrangement, and when?

A. There were about ten — seven in one group and three in another.

Q. Where was the group of the seven pools?

A. It was to the north of the wooded knoll in Leverett Park.

Q. And where was the group of three pools?

A. The three pools were to the south of the wooded knoll, adjoining Ward's Pond.

Q. Now, in what year were those ten ponds built?

A. They were built some time in the nineties — 1891, 1892 or 1893 — I don't remember just the date.

Q. Do you remember why those pools were discontinued and filled up?

A. For the reason that the Natural History Society failed to secure funds, or to do anything further than to communicate with the Board, in regard to their intention of establishing a Natural History garden there.

Q. Do you know whether any arrangement had been made with the Natural History Society for separating a portion of Leverett Park for exclusive purposes of the society?

A. The plan which provided for this Natural History garden provided that there should be a fence between the grounds devoted to the Natural History garden and the rest of the park.

Q. You mean that the area inside of the fence would be under the control of the Natural History Society?

A. It was so shown on all our plans that have the Natural History grounds.

Q. By whom was the plan for that prepared?

A. It was prepared by Mr. Olmsted.

Q. Was that area which was to be fenced off to include the ten pools?

A. It included all the pools and considerable ground besides; and also Ward's Pond and the wooded knoll.

Q. That is, Ward's Pond was also to be a part of the aquarium?

A. Yes.

Q. Do you remember a waterfall that was constructed out of Ward's Pond, leading into the three pools adjacent to that pond?

A. Yes, I do.

Q. Do you remember seeing that waterfall, or the construction which was to make the waterfall, and the stream flowing down from it? Do you remember its appearance?

A. I do.

Q. Will you state to the committee what was the appearance of that construction and of the stream after it was built — after the waterfall was built — with reference to the flow of water?

A. In the spring there was a fairly decent flow, a fair quantity of water flowing over the waterfall, which dwindled away during the course of the summer to a mere trickle. Further down, at the next bridge, the waterfall was dry altogether the greater part of the year; and all below that the brook ceased to flow.

Q. What was the condition of the stream during all the year, except during the spring, as it issued from Ward's Pond and went over the waterfall and under the culvert or bridge below it?

A. It was dry.

Q. What?

A. It was dry.

Q. For how many months of the year do you think that waterfall and stream were dry?

A. I should say except for the three spring months it was dry, and in the winter time. It was dry all the summer.

Q. When did Mr. Fischer's connection with the department cease?

A. It ceased in 1896.

Q. Before or after Mr. Pettigrew's connection with the department?

A. Before Mr. Pettigrew became a subordinate of the department.

Q. Did Mr. Pettigrew have anything to do with Mr. Fischer's resignation or removal?

A. He did not.

Q. What action did the Board take with reference to Mr. Fischer?

A. It asked for his resignation; and, failing to do that, it abolished his office.

Q. Failing to do what — you mean, failing to procure his resignation?

A. Yes, sir; Mr. Fischer failing to send in his resignation, the Board abolished his office.

Q. Do you know whether the request of the Board for Mr. Fischer's resignation was made upon the recommendation of any person, and, if so, whom?

A. It was made upon the recommendation of Mr. Olmsted, or the firm of Olmsted, Olmsted & Eliot.

Q. Who took Mr. Fischer's place?

A. An appointment of a planter was made — Mr. Coler.

Q. How long did he retain that place?

Mr. LUNDY. — This is the abolished place?

Mr. MATTHEWS. — No; he said a planter was appointed.

The WITNESS. — A planter was appointed, at a less salary and in a more subordinate position.

Q. How long did he retain that place?

A. I don't remember the length of time he remained with the department. I should think perhaps six months or a year.

Q. Did anyone else take his place after he ceased to be connected with the department?

A. Mr. Charles J. Dawson was the next appointee, I think.

Q. Do you know who recommended Mr. Coler?

A. I think Mr. Olmsted in one of his letters referred to him. Whether it was a recommendation or not, I don't remember; yes, I believe he did recommend him.

Q. Did any complaints concerning Mr. Jeffery, as to the manner in which he did his work, ever reach your attention?

A. I heard Mr. Howe refer to Mr. Jeffery a number of times, and one time in the office on State street he said he would discharge Mr. Jeffery if he got a good opportunity to.

Q. Was this statement made to the Board?

A. No, it was made to me. That is, he stated to me that Mr. Jeffery was not so good a foreman as he was formerly; that he was "afraid of his men"— I think that was the way he put it. Mr. Howe had difficulty in making Mr. Jeffery keep his men at work properly on that account. That is the way it lies in my mind.

Q. Were you present at this investigation on the occasion when Mr. McShane gave his testimony?

A. I was.

Mr. MATTHEWS. — Mr. Lundy, what was the name of the Kelly witness?

Mr. LUNDY. — William.

Mr. MATTHEWS. — William what?

Mr. LUNDY. — Well, there were two. One was William P. I don't know which you mean.

Q. (By Mr. MATTHEWS.) Do you know William P. Kelly by sight, who gave testimony here?

A. I do.

Q. Do you know whether he was present in this room at the time McShane testified?

A. He was.

Q. And do you remember where he was sitting at that time?

A. In the first part, he was sitting over on the lounge in the back of the room; afterwards, nearer Mr. Lundy, at the table or near there.

Q. Was he, when Mr. McShane was testifying, examining receipts at one of the tables inside of the bar here?

A. He was, part of the time; yes, sir.

Mr. MATTHEWS. — That is all, Mr. Lundy.

Cross-Examination.

Q. (By Mr. LUNDY.) Who recommended the appointment of Mr. Dawson as gardener?

A. I don't know who recommended him.

Q. You don't know?

A. I don't know.

Q. Well, you know all the facts of Mr. Fischer's forced withdrawal from the service of the department?

A. I do.

Q. And you are familiar with the appointment of Mr. Coler — is that the name?

A. Yes, sir.

Q. (Continuing.) — in that position that was substituted?

A. I know he was appointed; yes.

Q. Well, you also know, or think, that Mr. Frederick L. Olmsted recommended him?

A. I do.

Q. But you don't know anything about the appointment of Mr. Dawson?

A. I don't know who recommended him.

Q. Well, do you know where he came from?

A. I think he is a resident of the town.

Q. I know; but do you know anything about his previous condition?

A. No; I do not.

Q. This Mr. Dawson resigned recently, did he not?

A. He did, I believe.

Q. And he is not now in any way connected with the department?

A. No.

Q. What is the name of the position he occupied?

A. The same as Mr. Coler.

Q. Planter?

A. Yes.

Q. And what was his salary?

A. I think it was about $1,200. That was Mr. Coler's salary, as I remember it.

Q. You understand that is rather a responsible position, don't you?

A. A planter?

Q. Yes.

A. I should think it required a good man; yes.

Q. Do you know who occupies that position now?

A. I don't think it is filled.

Q. Do you have any means of knowing if it was filled?

A. Well, I could find out. I don't remember anybody having been appointed in his place.

Q. Don't you know that somebody is doing that work now?

A. I think not. I think they are depending upon the regular gardeners.

Q. Don't you know that some one of the regular gardeners is now acting as planter?

A. I don't; no.

Q. Do you know of a man named McNulty?

A. Yes, I believe so.

Q. You know several in the department, I suppose; but do you know any McNulty to whom a buggy has been given, to go about and do that work?

A. No, I do not.

Q. You don't?

A. No. It is not in my department.

Q. Now, these complaints about Jeffery all came from Mr. Howe, did they?

A. They all came from Mr. Howe; yes.

Q. And Mr. Howe severed his connection with the department how long ago?

A. About three years.

Q. Have you had any conversation with Mr. Howe recently about Mr. Jeffery?

A. I have.

Q. How long ago?

A. I met him last night, in front of City Hall.

Q. You brought up the subject of Jeffery?

A. I did.

Q. And did Mr. Howe last night entertain the same opinion of Mr. Jeffery that he did when he was in the department?

A. He stated his opinion to the same effect, and to greater extent than he did in the first instance.

Q. Did you take the trouble to ask Mr. Howe what he thought of Foreman Edgeworth?

A. No, I didn't.

Q. Did you ask his opinion of any other foreman in the department?

A. No.

Q. Why did you ask particularly about Mr. Jeffery?

A. Because I wished to refresh my memory as to the circumstances at the State street building several years ago.

Q. How could you refresh your recollection about the State street building by inquiring about an individual named Jeffery?

A. For the reason that I wished to know whether it stood in my mind just as it occurred at the time. I wished to compare my remembrance of it with Mr. Howe's recollection. I asked him if he remembered the conversation.

Q. As a matter of fact, you regard Mr. Jeffery as in a certain sense mainspring of this investigation? You think he has considerable to do with it?

A. I have seen him pretty active here; yes.

Q. And you have gone about particularly trying to find out things about Mr. Jeffery? Isn't that so?

A. No, it isn't so. I met Mr. Howe by accident.

Q. You haven't reported any complaints against any other foremen?

A. I haven't had any.

Q. Do you mean to say in the last four years Mr. Jeffery was the only foreman complained of?

A. He is the only one I remember complaints against; and they were not made to the Board officially. They were made to me.

Q. Just comments made by Mr. Howe?

A. Exactly.

Q. And they were made fully three years ago?

A. I should say so.

Q. And in all probability you could not remember another single incident mentioned by Mr. Howe in the conversation on that day?

A. Oh, I think so. I distinctly remember that, I am sure.

Q. I see you have done that. Now, did you understand that Mr. Howe said he would get rid of him if he ever got a chance?

A. I understood he was waiting an opportunity when he could prefer charges against him.

Q. His attitude, then, was this, that he was looking for the scalp of Mr. Jeffery? There is no question about that, is there?

A. I understood from him then, and I understand now, since talking with him, that if it had not been for the fact that Mr. Jeffery was a veteran he would not have needed to wait to obtain more satisfactory charges than he could make at that time. His charges were general, and not specific. He wanted something specific.

Q. It didn't occur to him to abolish that office?

A. Didn't occur to whom?

Q. Didn't occur to anybody.

A. No, I don't know that it did. It was not a matter —

Alderman GERRY. — Mr. Chairman, I object to his repeating conversations — well, you are asking certain questions; all right.

The WITNESS. — I am not speaking for the Board — speaking just for Mr. Howe and what he said.

Q. (By Mr. LUNDY.) I understand you are not. Now, it is a fair conclusion, Mr. Clarke, that Mr. Howe's attitude toward Mr. Jeffery was one of enmity, wasn't it?

A. I —

Q. Didn't it appear to you that there was something personal there?

A. I couldn't say so; no.

Mr. LUNDY. — That is all.

Q. (By Alderman GERRY.) In reference to that bridge that Mr. Matthews asked you about, and that waterfall, and those pools down there in the neighborhood of Ward's pond, I suppose that, of course, all those things cost money, did they not?

A. Yes.

Q. Cost quite a little lot of money, did they not?

A. They did; no doubt.

Q. Do you think that, considering the condition of the finances of Boston, it was a proper thing, even if the water didn't run over there for only three months in the year — and when it did run it looked very pretty; but even if it didn't run every month in the year, do you consider that the Park Department was warranted in tearing that part of the park to pieces?

A. I think they were.

Q. And spending extra money?

A. I think they were, considering that the pools were an artificial feature, and that, as stated by Mr. Olmsted in one of his letters, they were meaningless.

Q. Well, that may all be.

A. (Continuing.) That is, they didn't seem a natural or desirable feature of the landscape.

Q. Well, never mind whether they are desirable or not. Do you wish to go on record as saying that anything in the park system that was originated by Mr. Olmsted, or anything else that is not a natural feature of the Park Department, that you want the city's money spent to rectify that, no matter what the tax limit is, and no matter what the financial condition of the city is?

A. I think so —

Alderman GERRY. — Well, that is all.

The WITNESS. — I would like to add an explanation to that.

Alderman GERRY. — That is all the answer I wish.

(At the request of Mr. Matthews, the stenographer read the last question and answer.)

The WITNESS. — I wanted to give my reason.

Mr. MATTHEWS. — If you have any reasons to state, I wish you would state them.

Alderman GERRY. — We are willing to hear his reason, if he has one.

The WITNESS. — Considering that it is done with a view to completing the parks and having no more expense on them, and doing it at a very much decreased estimate from what it would have cost to have continued Mr. Olmsted's plans.

Q. (By Mr. MATTHEWS.) Do you know whether there was very much money spent in making these changes to rectify what turned out to be a mistake, owing to the changed conditions?

A. I should say it was a small amount.

The CHAIRMAN. — Dr. Gerry has not got through.

Mr. MATTHEWS. — I beg pardon.

Q. (By Alderman GERRY.) What I was going to ask Mr. Clarke is this: It has been asked in a certain way, but I would like to ask it in my way. Why did you seek Mr. Howe to find out all this, to refresh your memory, and so on, about Mr. Jeffery?

A. I supposed I might be called upon to testify with reference to Mr. Jeffery.

Q. That was your reason?

A. That was my reason.

Q. You have said here that you noticed Mr. Jeffery was fairly active in the investigation?

A. I did; yes.

Q. You felt as if it was your part to be active against Mr. Jeffery — in other words a personal matter, was it not?

A. Not at all. I had no feeling in the matter at all.

Q. It was a part of the scheme to belittle Mr. Jeffery and his abilities?

A. To do what?

Q. It was a part of the scheme to belittle Mr. Jeffery and his abilities?

A. There was no scheme that I knew about. I said I thought I might be called upon to testify.

Q. Mr. Jeffery was in the department how many years?

A. Almost from the beginning — I think 1878; since we began work on the Back Bay.

Q. I think he testified that he had been in the department seventeen years. Is that possible?

A. Well, my statement was since the beginning of the work. I think, as you refer to it, that seventeen years would be the right term.

Q. And, as far as you know, there was no particular fault found with him until there was some trouble with Mr. Howe?

A. No trouble that I know anything about.

Q. Well, Mr. Howe seemed suddenly to turn against him, did he not?

A. No, I knew Mr. Howe to be dissatisfied for some time with Mr. Jeffery's manner of conducting the work.

Q. Doesn't it reduce itself to this, that if Mr. Jeffery was not fit for his position, wasn't it Mr. Howe's business to see that he was discharged?

A. Well, I understood he was a veteran, and that it would be necessary to prefer charges before the Mayor, under the Act which does not allow the discharge of veterans.

Q. In other words, Mr. Howe could not find charges enough, but only general charges, to prefer against Mr. Jeffery?

A. Well, I understand, if I remember it rightly, that he was waiting for some flagrant act which he could produce as a reason.

Q. In other words, Mr. Jeffery went along and did his work as he was told to do it, and Mr. Howe and some of the other park officials, yourself included, was watching Mr. Jeffery to find some flagrant act of his?

A. I don't think it is fair to state that I was watching, because it was no part of my business.

Q. You spoke here about talking to Mr. Howe about it?

A. I said that I remembered a conversation with him at 53 State street, but I was not in a position to see Mr. Jeffery or his work.

Q. Did you hear Mr. Barnes testify the other day?

A. I did.

Q. Did you hear his testimony in regard to the trouble at the time he wrote to the papers?

A. I did.

Q. Do you remember what he said when he was asked in regard to whether it was Mr. Jeffery's fault or Mr. Howe's fault, what his answer was?

A. I do.

Q. What did he say?

A. He said it was Mr. Jeffery's superior officer that he attributed the trouble to.

Q. That is all. I thank you. Now, there is one thing I would like to ask you about — Mr. Charles Dawson.

A. Charles J., I think.

Q. Who recommended him for the position of planter?

A. I answered Mr. Lundy that I didn't know.

Q. You don't know. Where did Mr. Dawson work before he received that appointment?

A. I don't know that.

Q. Don't you know that he worked at the Arnold Arboretum?

A. I know that his father was there.

Q. Don't you know that he did? Don't try to dodge that question.

A. I never knew there was a Charles J. Dawson until he came into the department.

Q. You knew that he had some sons up there, didn't you?

A. I didn't know that; no.

Q. Well, if you did know it, who would you suppose appointed him?

A. Well, I don't know, I am sure. I think the superintendent appointed him.

Q. What superintendent?

A. Our superintendent.

Q. Don't you know that Mr. Sargent appointed him?

A. No, I don't.

Alderman GERRY. — That is all.

Q. (By Mr. LUNDY.) Do you recall any complaints registered with the Board against yourself in the last three or four years?

A. No, sir.

Q. Do you remember having any friction with the Board, or any member of the Board?

A. No.

Q. Remember encountering any friction between yourself and the recent Mayor of Boston, Mr. Quincy?

A. No, sir.

Q. Don't recall any little criticism that he made upon you?

A. I don't know that he made any.

Q. Well, you would know it if he made it in your presence? There is no doubt about that?

A. Yes.

TESTIMONY OF JAMES B. SHEA. — *Recalled.*

Q. (By Mr. MATTHEWS.) Mr. Shea, how long have you lived in Jamaica Plain or in that vicinity?

A. I was born there.

Q. What can you tell the committee in regard to the water level in Jamaica Pond for the last ten or fifteen years?

A. It has gradually gone down. In the past 20 years it has gradually diminished. The water level has sunk. I speak now of the water level as we find it in the spring of the year, about this time.

Q. Now, can you tell the committee anything about the water that flowed down the outlet stream from Ward's pond after the waterfall was built and the three pools excavated for the Natural History Society?

A. I know that in the spring of the year there was at times considerable water coming down there, but during the greater portion of the summer of each year since it was built that waterfall has been dry. There has been no water going through there.

Q. Were you present at these hearings when Mr. McShane gave his testimony?

A. I was.

Q. Did you see the witness, William Kelly, in the room at that time?

A. I did.

Q. Where was he sitting?

A. He sat right over there (pointing).

Q. Inside of the rail or outside?

A. I had an idea he sat just outside — just next that other railing there.

Q. Any complaints ever come to you about Mr. Jeffery and the manner in which he did his work? Did any such complaints ever come to your knowledge?

A. Mr. Putnam complained of him to me several times.

Q. Ever hear any complaints about the team lottery system?

A. Well, I have heard of several complaints, in various years, about the team lottery system.

Q. What were the complaints?

A. Well, they were complaints that sometimes the men who were drawn did not own the teams represented by the numbers. In most cases that I have known of, there was no evidence to show that was true; but, nevertheless, I have heard of several complaints.

Q. Did you investigate them?

A. I investigated all of those that were brought to my attention.

Q. Did you make any report to Mr. Pettigrew or the Board?

A. I talked with Mr. Pettigrew about it several times. There was, as I say, no evidence to show that the teams did not belong to the parties who were supposed to own them.

Q. Were you present with Mr. Pettigrew at the conversation with Mr. Higgins about the location of a boundary fence at Franklin Park?

A. I was.

Q. Did you hear Mr. Pettigrew say to Mr. Higgins, "To hell with the fence," or use words to that effect?

A. No. He didn't use those words.

Q. Do you know where the cellar was on Seaver street, in which it is alleged that loam was deposited to an excessive depth?

A. Yes, I know the cellar referred to.

Q. Do you know whether or not the loam was deposited there?

A. Some loam; loam enough to grow trees, but not the amount testified to by some witnesses.

Q. How deep was the loam spread in the cellar?

A. About — well, it might be two feet. The cellar was graded before the loam was put in there, and then we put on such loam as would bring it up to the surface of the ground in that neighborhood.

Q. Mr. Shea, there has been something said about not grading for loam and about putting the same into pockets that may have been made during the course of operations, rather than filling the pockets up first with gravel or ashes or cinders and then putting loam on top. Can you tell the committee what you know about the practice?

A. Well, I know that if the depression is a small one, we prefer to fill it with loam, rather than gravel. We do not want the gravel, and the loam is of a great deal of service there, and it would be too expensive to scrape off the loam and then fill with gravel, and then pile the loam back. It would cost a great deal more than to fill with loam. In regard to the cellar at the Pierce Farm, the topographical

map of Franklin Park will show that the banks were cut down considerably. There was a smoke bush which stands on the bank by the old house. That was probably the highest portion of the bank. It is just now at least 18 inches higher than the surrounding land. It was retained because it was a fine specimen of its kind. Mr. Pettigrew thought we had better try to hold that. It shows that the bank up there has been graded into the cellar.

Cross-Examination.

Q. (By Mr. LUNDY.) Mr. Shea, what do you mean by saying that Mr. Putnam made complaints to you about Mr. Jeffery?

A. He complained to me that he couldn't get Mr. Jeffery to do the work, under him, at the Back Bay.

Q. Now, when did you know this?

A. I knew this in 1896.

Q. In 1896?

A. Yes.

Q. Now, when did you see Mr. Putnam last?

A. I saw Mr. Putnam about every day.

Q. Well, why didn't you bring Mr. Putnam here to make these statements?

A. Why, I didn't consider that it was necessary.

Q. You think it is fair to come here and say things that people told you about somebody?

A. I think so — that was in an official capacity.

Q. Now, what action did you take on these official complaints?

A. I had no right to take any action at that time. I was not Mr. Jeffery's superior at the time when these complaints were made.

Q. Have you heard any since you have been his superior?

A. I have heard from Mr. Putnam that Mr. Howe complained of him, and I have heard complaints of him since I have been his superior.

Q. From whom did you hear those complaints?

A. From Mr. Pettigrew.

Q. From Mr. Pettigrew?

A. Yes.

Q. And Mr. Pettigrew is the power in the department, so far as laborers and foremen go, isn't he?

A. He is, yes.

Q. And why should Mr. Pettigrew complain to you?

A. Because it was necessary at the time he shifted him from the Back Bay to tell me why he was shifted, because

he was put then under my immediate control. I had to come in daily contact with him.

Q. Now, was this a complaint that Mr. Pettigrew made, or was it simply a comment upon Mr. Jeffery?

A. Well, it was a comment, and the complaints were made since he was shifted to Franklin Park, as to the nature of his work.

Q. Now, do you recall substantially just what words Mr. Pettigrew used when he complained or commented to you upon Mr. Jeffery?

A. Well, do you mean for me to give his exact words?

Q. Well, substantially; the gist of the conversation.

A. He said he had no control over his men, and that the work he was doing there was very expensive by reason of Jeffery's lack of control and superintendence of the men immediately under him.

Q. Do you mean to say that the men did not put in enough time, or did not do enough work in the time?

A. Didn't put in enough work — shirked under him.

Q. When he shifted him was it his idea that his work under you would not be as important?

A. No, his idea was that he would give him a gang of men and be able to have him stay with those men right along and that I would see him oftener than any superior would see him if he was at the Back Bay.

Q. But you weren't there all the time that Jeffery was there, were you?

A. I got there as often as I could.

Q. That might be, sometimes, only twice a day?

A. Yes, sir; sometimes only twice a day.

Q. How long did you have him under you in that capacity?

A. Two years.

Q. Did you find it necessary to make any complaint to Mr. Pettigrew about him?

A. Yes, very often.

Q. Were those complaints in writing?

A. No.

Q. What form did they take?

A. I told him that Jeffery wasn't a good foreman, and many times I gave him the older men, for the reason that they were men who were veterans and the department couldn't expect a great deal of work from them, as they had been in the department a great many years. They were feeble, and I gave them to him, because I knew that other foremen could get more work out of better men.

Q. Then you rather organized an old guard there, did you?

A. I did.

Q. With Jeffery, an incompetent foreman, at the head of a lot of cripples, men who were decrepit — is that true?

A. That is true.

Q. And it struck you as a good idea, scientifically, to put bad men under a bad foreman?

A. The city would lose less under that system.

Q. You figured it that way, did you?

A. Yes.

Q. Now I will ask you, Mr. Shea, if Mr. Jeffery ever heard anything of these complaints?

A. Well, he knew that I had found fault with the kind of work that was being done, and he said he was doing the best he could.

Q. Yes, and what did you say to that?

A. I said it wasn't enough, that he wasn't doing work enough.

Q. You remember testifying that you considered Mr. Jeffery inferior as a foreman to a majority of those you now have under you?

A. I did.

Q. And you also remember that you testified that you considered Mr. Edgeworth his superior?

A. Yes, I did.

Q. And one or two days after that you heard Mr. Edgeworth testify here, didn't you?

A. Yes.

Q. And did you change your opinion of Mr. Edgeworth at all after that?

A. No, I did not.

Q. Now, just where did this conversation between Mr. Higgins and Mr. Pettigrew take place?

A. Took place back of the Sullivan lot, I think it is, next to Franklin Field.

Q. And you are quite positive that Mr. Pettigrew used absolutely no profanity?

A. Yes.

Q. Have you ever heard Mr. Pettigrew use profanity?

A. No, I have not.

Q. And you see a great deal of him?

A. I see him nearly every day for quite a while during the day, during the morning.

Q. Then, it would strike you as being unusual if he had on that particular occasion used profanity?

A. It would.

Q. Now, you say there was never any hearing upon these complaints against Jeffery — they never took any formal form?

A. No, they did not.

Q. And he went right on, drawing how much — $5 a day?

A. $5 a day. He was supposed by myself and Mr. Pettigrew both to be a veteran at the time.

Q. Now, you said that there are some men in the department as foremen — sub-foremen, or whatever they are, — who are, perhaps, or who were, not superior to Mr. Jeffery. You remember testifying to that?

A. Yes, I did.

Q. Now, will you name those men?

A. You want the names of the foremen I think are not better than Jeffery?

Q. Not better than Jeffery, yes?

A. Well, we have a foreman named Kelly, who was injured in the Park Department some years ago, and who is not, perhaps, as good a foreman for general work as some others.

Q. No prejudice against the name, I hope?

A. No.

Q. Well, what does he do? What did he do — that Kelly, the man who was injured?

A. He still acts as foreman in the Park Department.

Q. Now, name another one?

A. I don't think I could name another one as poor as Jeffery.

Q. Well, you have said there were three or four. Name somebody who is almost as poor as Jeffery?

A. Well, we have a foreman who had charge of Charlesbank Gymnasium for a good many years, who I think, on general work, in the general charge of men, is perhaps not much better. He has not had the experience in general park work that others have had.

Q. Well, what is his name?

A. His name is Murphy.

Q. And one more, now?

A. I couldn't name any other that would come in his class at all.

Q. Anywhere near him?

A. Anywhere near him.

Q. Now, you have given the names of two men. You saw fit to keep them upon the list when you suspended Jeffery?

A. Yes.

Q. Well, did you ever hear any complaint against Mr. MacCallum?

A. I can't say that I have. No — nothing of any great import.

Q. Well, do you consider Mr. MacCallum the equal of Mr. Jeffery?

A. Well, I think Mr. MacCallum has, perhaps, more force to him, and has more control over his men than a man like Jeffery.

Q. Well, he hasn't had the experience, has he?

A. Hasn't had the experience in what?

Q. As foreman?

A. Not in the Park Department — has been a foreman many years in other departments, I believe.

Q. Well, he is not as old a man as Jeffery?

A. No.

Q. Then Jeffery and MacCallum, the two men who have been so active in this investigation, to a certain extent, and the two men who have been suspended, are the only two men you have ever heard any complaints about as foremen?

A. Oh, I haven't said that.

Q. Well, who else have you had complaints about?

A. Well, nearly every foreman, perhaps, might at some time be charged with negligence in some small matter, some trifling matter which I couldn't bring to mind now.

Q. In fact, you think that not even a foreman in the Park Department is exempt from criticism at some time or another?

A. Well, I don't think a foreman in any other department is.

Q. No — I say not even in the Park Department?

A. No.

Q. Then it isn't particularly to a man's discredit, is it, if he is criticised from time to time?

A. It is if it is a continual criticism and if there are at no time any good things that may be said about him, so far as the work under his charge is concerned.

Q. Do you remember testifying, or hearing Mr. MacCallum testify, that he had one day assigned to him a poor bricklayer, and that he complained to you?

A. I didn't hear him, but I saw from the printed report that he had so testified.

Q. Now, do you remember, Mr. Shea, whether or not I asked you about that when you were on the stand before?

A. I don't remember that you did.

Q. Well, was that incident substantially true as related by MacCallum?

A. It was not.

Q. Well, you remember what he said, don't you?

A. I do remember what he said.

Q. Do you remember this bricklayer you assigned to him that he thought was incompetent?

A. Yes.

Q. And do you remember that Mr. MacCallum called your attention to this man while he was on that work?

A. I do.

Q. And that Mr. MacCallum ordered him away from the work?

A. Mr. MacCallum didn't order him away from the work.

Q. You remember that he requested you to order the man away from the work?

A. No, he did not.

Q. Well, right from there, from that part of the story, how much truth is there in it?

A. There is no truth in the story at all. I do remember that Mr. MacCallum criticised in some way the man's work, and I examined it and said I thought it was all right.

Q. Then, it was a matter of opinion between yourself and Mr. MacCallum?

A. It was.

Q. And, of course, Mr. MacCallum was directly responsible for that man's work?

A. Yes.

Q. Had you known that man for any length of time?

A. No, I had not.

Q. Had you seen much of his work?

A. I had seen only what he had done at the Arboretum and Franklin Park, some basins he had built there.

Q. Do you think you know as much about bricklaying as Mr. MacCallum does?

A. Well, I think I do.

Q. Well, Mr. Shea, prior to your being appointed general foreman of the Park Department, your duties were more or less clerical, weren't they?

A. They were, yes.

Q. You have never gone around and done a great deal of road work?

A. Before I was appointed?

Q. Yes.

A. Well, I had, to a certain extent, direction of work under Mr. Putnam.

Q. Yes, but in a very general way, wasn't it, — a very general superintendence?

A. In a very general way, yes, sir.

Q. And you yourself have never handled a trowel?

A. I have not.

Q. And don't know a great deal about the science of laying brick?

A. No, I wouldn't say that I could go down and lay a brick.

Q. Well, ordinarily don't you depend on the foremen under you for the control of their workmen?

A. Well, I have to, of course. I cannot be on the ground with all of them at the same time.

Q. Now, did you ever have Jeffery make complaint about men under him?

A. No, I don't think that I did. I guess Jeffery wouldn't mind as long as they got their day's work in, what they did.

Q. Well, aside from your theorizing as to the attitude of Mr. Jeffery, can you remember and tell me any distinct complaint that he made?

A. No, I cannot.

Q. Well, it is quite possible that he did, isn't it?

A. I think not.

Q. Well, you want it to stand that way — that he didn't?

A. Yes.

Q. (By the CHAIRMAN.) Mr. Shea, let me ask you what you mean by the reference to putting loam in cellars?

A. I mean that in Franklin Park, which is composed, of course, of many old estates, we had a few cellars, and the ground in the neighborhood was loamed over. That is, there were those cellars, after the houses had been taken down, after the original purchase of the land by the department, which were allowed to stand the way they were when the houses were taken, except that from time to time the stone in the cellars was used for road building, and then there were these pockets in the ground, which were filled up with old brick or something, and loamed over.

Q. There was no building, then, over the cellars?

A. No. They are the cellars which have been alluded to as having four or five feet of loam piled into them.

Q. (By Alderman GERRY.) You have charge of this drawing, of this lottery business in connection with teams, have you not?

A. No, I have nothing to do with it.

Q. Who has, please?

A. It is done through the secretary's office, the secretary of the Park Commission.

Q. You don't know, then, who drew number one this year?

A. Yes, I do know.

Q. Who did?

A. Thomas Cunningham drew number one.

Q. Did he draw number one, or did he buy number one?

A. He drew number one, — that is, his name stands number one on the list of teams in the department.

Q. His name is number one, but you don't know whether he drew it or bought it, do you?

A. He drew it.

Q. How do you know he drew it? You say you weren't there?

A. Well, I know that a representative of the Mayor's office was there, and was, I suppose, to a certain extent, responsible for the accuracy of the names drawn.

Q. Who was the representative of the Mayor's office?

A. I couldn't tell you, sir. I know they asked to have a representative sent out.

Q. He was there, was he?

A. He was there.

Q. Do you know what Mr. James Dolan's number was last year?

A. I couldn't tell what his number was.

Q. He had a number?

A. He had a number, yes.

Q. Well, could you tell whether it was one or ten or forty-five?

A. No. If I remember aright, his number was as high up as fifty, or higher.

Q. Well, that number would give him how many teams?

A. One team only.

Q. How many teams did he have on there?

A. I never knew of his having at any time more than one team.

Q. Well, you would be surprised if a good many people, quite a number of people, said he had more than one, would you not?

A. Well, the Park Department rolls would show, I think, that he had not more than one.

Q. Well, how about Thomas, his son?

A. Well, Thomas, his son, as I understand from the department rolls, is entitled to draw a team.

Q. How many teams did he have on?

A. He had on one.

Q. Did William have on any?

A. He did.

Q. What was his number?

A. The two sons had numbers somewhere between twenty and thirty-five.

Q. And you are very sure that no one was put to one side to give the Dolans work — men who had higher numbers than they did?

A. I am very certain of it.

Q. You are very sure of that?

A. I am very certain of it — yes, sir.

Mr. MATTHEWS. — You say "higher numbers." Don't you mean lower?

Alderman GERRY. — I mean higher, as far as drawing is concerned — lower in one sense, of course, but I mean nearer "one."

The WITNESS. — I understood that.

Q. (By Alderman GERRY.) Now, you know something about loam, Mr. Shea?

A. Yes, I have had considerable experience with it these past few years.

Q. You know something about planting trees and shrubs?

A. I know something about it.

Q. And I suppose you have made a special study of planting trees and how deep loam should be under those trees for the roots have you not?

A. Well, I can't say that I have made a special study of it, but I have noticed the growth of trees under favorable and unfavorable conditions.

Q. Well, how many feet of loam, in your opinion, should be under a tree?

A. I think for the good growth of a tree there should be from eighteen inches to two feet; but, of course, a greater amount would be of more benefit to the tree.

Q. Have you read Dr. Barnes' testimony in regard to the depth of loam?

A. I was present when his testimony was given.

Q. You don't agree with him.

A. No, I do not. The condition of trees in various parts of Franklin Park does not bear out the truth of his statement. That is also the case in the Arboretum, where the oak trees have been planted. So that Dr. Barnes has something to learn on the tree question.

Q. You are perfectly well assured that it takes three feet of loam to plant a shrub, in order to make it grow properly, are you?

A. To plant a shrub?

Q. Yes?

A. I don't think it is necessary to have three feet of loam for shrubs.

Q. How many feet of loam were put in along the bridle path there by Jamaica pond?

A. About three feet.

Q. What sort of shrubs and trees have been put in to grow in that three feet of loam?

A. Both trees and shrubs have been put there. Of course, the oak trees which have been put in there are to be the permanent trees, but it will take them many years to develop. Besides the oak trees, there is now a line of shrubs along there which, of course, cannot exist when the oak trees get their full growth.

Q. Then you wish us to understand that these shrubs are going to be pulled out some time?

A. No — the oak trees, when they get to be old trees, will force them out. They won't have to be pulled out.

Q. How old — 80 years?

A. When they get to be 25, 30 or 40 years of age.

Q. Well, of course, it may be that perhaps Dr. Barnes knows as much as you do about that part of the subject. Is Mr. Putnam still in the Park Department?

A. He is.

Q. Is he the gentleman who was here and testified one day?

A. Yes, the engineer.

Q. Who testified in regard to engineering — and he is the man who was dissatisfied with Mr. Jeffery?

A. Yes. He was at that time acting superintendent of the Park Department.

Q. Did you ever hear of anybody who was dissatisfied with Mr. Jeffery who was not a foreman, an engineer, or something or other in the Park Department?

A. Well, all of my acquaintance with Mr. Jeffery has been in relation to his work in the Park Department. I know nothing of him outside of that.

Q. Will you be kind enough to tell me what they are going to do with the Parkman place, with the land of the Parkman place there, above that new road, on the bend?

A. I don't understand what you mean.

Q. What they are going to do with it — whether they are going to plant trees or shrubs there, or what?

A. I understand that it is planted now, in the condition in which it is to be left.

Q. Well, what has been done to that place? I don't quite remember.

A. I understand that the place is fixed up now in the condition in which it is intended to have it.

Q. Well, are there trees there or are there shrubs there?

A. There are some trees and some shrubs.

Q. Are there more trees than shrubs, or more shrubs than trees?

A. I should say more trees than shrubs, but there is an opening, which takes in a large part of the Parkman place, left for a view, I believe.

Q. From where — Prince street?

A. No, from the park road.

Q. Well, I didn't mean that, but I mean from that road to the pond and also from that road up, perhaps, to Prince street.

A. Well, there is a plantation of shrubs near the wall, to conceal the wall.

Q. How deep is the loam there?

A. The loam, of course, varies. I should say that on all portions of the Parkman place there are at least sixteen inches of loam, and near the wall perhaps a good deal more.

Q. There was a good deal of loam on the Parkman place when your people took it, wasn't there?

A. Yes, sir.

Q. Quite a rich place?

A. Yes, sir; it was.

Q. What was the average depth of loam placed on there by the Park Department?

A. Well, we didn't do anything on the place there, except on the drives and the site of the house and stable, and the greenhouse site.

Q. You left it just as it was?

A. Left the surface of that place just as it was.

Q. Was there a man by the name of Thomas F. Carty who ever worked for the Park Department?

A. Thomas F. Carty?

Q. Yes.

A. I cannot recall him, doctor.

TESTIMONY OF JAMES HANNAN. — *Recalled.*

Q. (By Mr. MATTHEWS.) Mr. Hannan, did you at any time since this investigation began, or prior to it, have any conversation with Mr. Jeffery?

A. Yes, sir; before it.

Q. Will you state where the conversation was, and how you came to have it?

A. In my own house, sir, the house I live in, at 64 Freeport street, Dorchester.

Q. Did you send for him, or did he come without being sent for?

A. He came.

Q. Now, will you state to the committee what he said to you on that occasion?

A. Well, he came to see if I could help hunt up any witnesses.

Q. About what?

A. For the park investigation, and said if I could find out that Mr. Pettigrew even took $5 for a bribe he could have him fixed, and said if I could hunt up witnesses, if he got to be "super" he would give me a good job.

Q. Did he say anything about the witness Kelly?

A. Yes; he said something about Kelly telling him that there was some contractor who gave Mr. Pettigrew $25.

Q. Now, when did you say this conversation was?

A. About a week before the investigation.

Cross-Examination.

Q. (By Mr. LUNDY.) Mr. Hannan, was this conversation in the day or in the evening?

A. In the evening.

Q. Now, didn't Mr. Jeffery ask you what you knew of the general administration of the department, what your opinion was of the general administration of the Park Department? Did he ask you that?

A. Well, he would often talk on it — not that evening, to my knowledge.

Q. Did he ask you to come down and see me?

A. No, sir; he asked me to come over to his own house, and I wouldn't go.

Q. He didn't mention me to you?

A. No, sir.

Q. I never sent for you, as far as you know?

A. Not that I know of, but I was invited by another party to come and see you.

Q. Who asked you to come and see me?

A. I think it was through Jeffery — I think through him.

Q. I think it was — but can you recall who it was?

A. Not at present.

Q. Because I did want to see you — there is no question about that. But you cannot recall who asked you to come and see me?

A. I can't think now, but perhaps I can think it over and let you know before I leave the stand.

Q. What was this statement he made to you about Mr. Pettigrew receiving $5?

A. Well, if I could find that Pettigrew took $5 from anyone he would have him all fixed.

Q. I should say he would; but did he mention any particular case?

A. No case at all.

Q. Give the name or any specific instance where there had been a sum of $5 given?

A. $5 or $25 — anything at all of that kind.

Q. But he didn't ask you to come in and say anything about that, did he?

A. No, sir.

Q. Didn't ask you to find anybody to come in and say that?

A. He did not.

Q. Did he tell you he had any information on that subject?

A. That he was trying to find it out.

Q. Well, did he say he knew anything about it himself?

A. Well, he said it, and then he took it back — he said something about this $25.

Q. I am not referring to that, Mr. Hannan — that is pretty clear, and has been gone into in a certain form. I mean about the $5.

A. No; he didn't refer to anybody. He said if he could get proof that he took that amount, it would cover the whole thing.

Q. That this other man would be wiped out and he would be the superintendent?

A. Now you have it straight — that is all right.

Q. That is all there is to that?

A. Yes.

Q. (By Alderman GERRY.) Do I understand you to say that Mr. Jeffery and yourself often talked over the management of the Park Department?

A. Well, talked over several things when he has been with me.

Q. What did you talk about?

A. Well, Mr. Fischer generally talked about the superintendent.

Q. I am not talking about Mr. Fischer. When you were talking with him, did you talk about the superintendent?

A. The present superintendent?

Q. Yes; you and Mr. Jeffery.

A. I never heard him say much about him, only he thought he wasn't suitable for that position.

Q. What?

A. Wasn't suitable for the place — that was Jeffery's talk. We had other talk which I don't want to rehearse

here. It would be a breach of confidence on my part if I should rehearse everything he said.

Q. Well, what did you say?

A. Well, I suppose I "helped the lame dog over the stile," as the saying is.

Q. I know, but what did you say? Do you remember?

A. I said I couldn't say anything against the man. Neither could I; neither could I say anything against any of them, for that matter, Doctor.

Q. Did you ever work under Mr. Jeffery?

A. I never did.

Q. Were you ever anywhere where you could see Mr. Jeffery and his men working?

A. Yes, sir.

Q. What was your opinion of Mr. Jeffery?

A. I guess he was all right.

Q. All right?

A. Yes, sir.

Q. He was a shiftless foreman, wasn't he?

A. I don't know.

Q. In your opinion — of course you are not an expert, any more than some of the others are, but what is your opinion?

A. Well, I don't know.

Q. Well, what is your opinion?

A. My opinion was that he was just like all the rest.

Q. Your opinion was that he was just as good as all the rest?

A. Well, about the same, about the average.

Q. Did you ever hear the men who worked under him say that they could do anything they had a mind to with Mr. Jeffery?

A. Some of them.

Q. Some of them said so?

A. Yes.

Q. Well, did they say so generally?

A. Well, not all — didn't all work for him.

Q. What did they say that they could do with Mr. Jeffery?

A. Some of them, they said, had a very good time under him, and others had not.

Q. In other words, you understood that Mr. Jeffery had favorites?

A. Yes.

Q. Some he drove, and some he didn't?

A. Well, so I understood — to that effect.

Q. Well, now, did you think that Mr. Jeffery's gang was a gang of cripples and veterans, and so on? Was that the idea?

A. Well, just like all the rest over the park. Sometimes he had good men, and sometimes he had not.

Q. Well, in point of fact it wasn't understood that Jeffery was running a lot of veterans who couldn't do anything, was it?

A. No, sir.

Q. And, as you looked at it, you thought he was as good as the rest of them?

A. As far as I could see, every foreman in the park generally had his turn at the veterans.

Q. Every one?

A. Yes, sir, when his turn comes. They are transferred from one to the other.

Q. When Mr. Clarke or Mr. Shea — I forget which one made the statement — said that Mr. Jeffery was the superintendent, or foreman rather, of a lot of veterans, and was put in charge of them because he wasn't much good and the veterans weren't much good, either, you consider that not a correct statement?

A. Well, I don't know, but I know when there was a job to be done in a hurry he was generally shifted, and Mr. Watson was put in in his place, to get the job right through.

Q. That isn't what I asked you.

A. Well, I don't know what you did ask.

Q. Well, I asked you if it was your opinion that the men that Mr. Jeffery had were simply a lot of men who were put there to work away their time and to draw money from the city, without doing as much work as the ordinary gang did?

A. I don't think so.

Q. You think that practically those men were shifted about from one place to another?

A. I think they had to do their work just the same.

Q. Had to do their work, whether they were veterans or not, no matter what they were?

A. Yes, sir.

Q. (By Mr. LUNDY.) One more question. This fight of Jeffery against Pettigrew is nothing of recent birth, is it? It was going on long before the suspension?

A. Well, I don't know that Mr. Jeffery and Mr. Pettigrew ever had any falling out until this laying off.

Q. You heard Jeffery make criticisms, didn't you, before he was laid off?

A. Yes.

Q. About Mr. Pettigrew?

A. No, sir; not altogether about Mr. Pettigrew.

Q. Or Mr. Shea?

A. Not altogether about them, but the Park Department.

Q. (By Alderman GERRY.) Are you working in the Park Department now?

A. Yes, sir.

Q. Were you ever suspended?

A. Yes, sir.

Q. When?

A. All the time until lately.

Q. Well, when you were in here before were you on the suspended list?

A. Oh, I wasn't suspended this winter, sir, no; but every other winter.

Q. Every other winter?

A. Yes.

Q. (By the CHAIRMAN.) Mr. Hannan, how long have you worked for the Park Department?

A. Fourteen years next August.

Q. Were you summoned to come here?

A. Yes, sir.

Q. When did you receive your summons?

A. I couldn't tell you — the 9th of last month, I believe.

Q. Who summoned you?

A. I guess it was Mr. Lundy, I don't know.

Mr. LUNDY. — He was here at the beginning of the case, you know.

Q. (By the CHAIRMAN.) Well, who brought you here to-day?

A. Who brought me here to-day?

Q. Yes; who asked you to come here to-day?

A. I came here myself.

Q. You weren't asked to come here?

A. No, sir.

Q. By anybody?

A. Not to my knowledge.

Q. How much knowledge have you got of road building?

A. I don't pretend to have any knowledge at all of road building.

Q. Who is your foreman?

A. Mr. McNulty.

Q. Have you ever worked under Mr. Jeffery?

A. No, sir; never.

Q. You don't know, then, whether he is a competent foreman or not, do you?

A. I don't know.

Q. Don't know anything about it?

A. No.

CORRECTIONS IN PRINTED REPORT.

Mr. MATTHEWS. — Mr. Chairman, I would like to call the attention of the committee and counsel to two or three errors I have noticed in the printed report of the evidence, and I think, perhaps, this is a good time to do it. They are all in the second volume, I think. On page 865, Mr. Dole speaks about a stone wall on Jamaicaway. He must have meant, as appears from the context, the stone wall on Glen road, near Franklin Park. On page 888, in the middle of the page, Mr. Dole says, in answer to a question, — the question being, "Have you noticed the effect of the thinning of trees, done some ten years ago?" — "As a general thing it is a mistake in a forest to thin out a number of trees in it." What he must have said, and, from my recollection, what was said, as appears in the context, is "As a general thing it is not a mistake." I think the word "not" is left out.

Mr. LUNDY. — You think that is an error in the report?

Mr. MATTHEWS. — Yes — whether of the stenographer or the printer. Stenographers make errors occasionally, although I must say that I think this work has been done remarkably well. I have been trying other cases, where other stenographers were employed, and I think the work has been done nothing like as well as this has been done. I think that Mr. Lundy, upon reading what I have referred to, will say that this is an error by somebody. I remember the answer myself, and it is apparent from the context, I think, that the word "not" has been left out. On page 1023, referring to the depth of loam in a certain place, the following answer appears — "Well, there is 1.6." Then follows Mr. Lundy's question, I think, or my question, — I don't remember which, — "Six-tenths of a foot?" to which the answer is "yes." So, the depth in that place must have been six-tenths of a foot, as appears from the answer and the context. On page 1024, Alderman Codman is said to have asked this question — "I asked if there had been a mistake of an inch, on the average, in the 11,000 holes?" What he must have said is "1,100."

Alderman CODMAN. — Probably, sir.

Mr. MATTHEWS. — These are merely a few verbal inaccuracies which have been called to my attention. There may be more of them. Otherwise, I think this work has been very well done indeed. I don't think there is anything more, except that I would like to have it definitely understood whether I am right or wrong in assuming that counsel

for either side has a right to refer to anything that is in the printed proceedings of the City Council or the annual reports of the Park Department?

The CHAIRMAN. — I should say they had.

Mr. MATTHEWS. — Then, that will save my putting in extracts in evidence and multiplying the records. Mr. Lundy, there was some talk about a letter you had received from ex-Gov. Altgeld of Illinois. Is there any objection to that going in in full? See if this is a copy of it (handing letter to Mr. Lundy). If so, I would like to put it in, so as to make the record complete.

Mr. LUNDY. — (Examining letter.) Yes, that is it.

Mr. MATTHEWS. — That is a copy of the letter that ex-Gov. Altgeld sent you?

Mr. LUNDY. — Yes.

Alderman GERRY. — How can that go in, Mr. Matthews? Mr. Altgeld is not here.

Mr. MATTHEWS. — Simply because Mr. Lundy mentioned it, that is all.

Mr. LUNDY. — I made that statement, you know.

Mr. MATTHEWS. — Otherwise, I would not think of putting it in.

Alderman GERRY. — Why should it be allowed to go in, any more than Mr. Bolles' letter or any other letter?

Mr. MATTHEWS. — Because the other side mentioned it. I did not mention it, and if it had not been referred to by the other side I should not have put it in. Mr. Lundy himself made an oral statement of the contents of this letter — very properly, I think, — and all I wanted was to have Governor Altgeld's exact language appear. I will read it:

LETTER FROM JOHN P. ALTGELD.

"March 20, 1900.

J. A. PETTIGREW, ESQ.:

DEAR SIR, — Your favor of the 18th is at hand. In answer to a letter from Mr. Joseph Lundy, Room 222, 23 Court street, Boston, on this subject, I have written as follows: 'My recollection is that there was nothing that reflected on the character of Mr. Pettigrew as a man, or on his integrity as an officer, at the time his connection was severed with Lincoln Park. The Board had to construct an extensive sea-wall and decided to employ a regular civil engineer as superintendent. For further information, I would refer you to Hon. Andrew Crawford, Ashland Block, Chicago, who was president of the Board at the time.' Believing that this covers the subject, I am,

Very respectfully yours,

JOHN P. ALTGELD."

(The letter was marked "Exhibit 113.")

The CHAIRMAN. — Hasn't that been read before?

Mr. MATTHEWS. — No, sir. If it had been, I should not have read it again. I think you will remember that what took place was this, that Mr. Lundy stated the substance of the letter, but did not have the letter with him. He now admits that this is a copy, and I put it in for the purpose of having the exact language appear. It is only justice to Mr. Pettigrew to have that go in.

The CHAIRMAN. — I see no particular harm in it, as long as counsel for the committee brought it up.

Mr. MATTHEWS. — I would like to ask Mr. Lundy whether he followed ex-Governor Altgeld's suggestion and made any inquiry of Mr. Crawford?

Mr. LUNDY. — No, I thought that information was sufficiently complete.

Mr. MATTHEWS. — You did not inquire, then. I have a letter from Mr. Crawford, but, inasmuch as Mr. Lundy did not inquire from him, I will not put it in. I will state this, that the committee will remember, from the reading of this letter of ex-Governor Altgeld, that he refers anybody who wishes further information to a gentleman who was Chairman of the Lincoln Park Board at the time when Mr. Pettigrew's connection with that Board ceased — namely, Mr. Crawford, — and I have a letter from Mr. Crawford in my hand.

The CHAIRMAN. — I don't know as it is necessary to introduce that.

Mr. MATTHEWS. — And I do not offer it, because I don't think it is competent, on my motion. But it is here, if any member of the committee or counsel for the committee desires to see it. I have here another letter that I would like to offer, from Mr. E. C. Hodges to Mr. Pettigrew, dated December 18, 1896, being a letter similar to that sent by Mr. Stratton, declining to release Mr. Pettigrew from the contract that Mr. Hodges had made with him. I don't care to read it, unless somebody wants me to do so.

(The letter referred to was marked "Exhibit 114," and will be found at end of the day's hearing.)

TESTIMONY OF JOHN A. PETTIGREW. — *Recalled.*

Q. (By Mr. MATTHEWS.) Mr. Pettigrew, will you state to the committee what the arrangement made between you and Mr. McShane, the contractor, was, for the furnishing of filling, or whatever else he furnished, upon the Neponset Playground?

A. I made an arrangement with Mr. McShane to furnish filling at Neponset Playground at 65 cents per cubic yard. Well, Mr. McShane had some little difficulty there. There was a road to build in, which made it very difficult to get the material there, because he couldn't haul on any part of the ground. He just had a haul on a narrow roadway, the roadway being made as he proceeded. After he had delivered quite a considerable deal of material — I don't remember just how much — there was a large school-house to be built in Dorchester, and I received an offer from Mr. Coburn to put in material there, after some conversation, for 40 cents. Mr. King also agreed to put in some for 40 cents, which he had to remove.

Q. Let me interrupt you there. Did you receive those offers in writing?

A. No; I think they were oral. I afterwards received them in writing — had them reduced to writing. I then notified Mr. McShane that I couldn't take any more of his material at that price, and my remembrance is — and I think I am quite correct — that he came up to my house one night and said he was willing to put in the material at the same price as these other people, which he did.

Q. Have you stated the arrangement which you made with Mr. McShane?

A. Yes.

Q. First for 65 cents, and then for 40 cents?

A. First for 65 cents, and then for 40 cents.

Q. Whether you had any offers in writing from Coburn and King?

A. I did.

Q. Are these the offers? (Handing letters to witness.)

A. (Examining letters.) Yes, sir.

Mr. MATTHEWS. — I will offer a letter from Frank G. Coburn & Co., dated September 6, 1898, offering to furnish material at 40 cents per cubic yard, and a letter from J. A. King, to the same effect, dated September 1, 1898.

(The letters referred to were marked "Exhibit 115" and "Exhibit 116" respectively, and will be found at end of the day's hearing.)

Q. (By Mr. MATTHEWS.) Did you have any conversation at any time with Mr. McShane with regard to his delivering the material at 45 cents?

A. No, sir.

Q. Did you ever have any talk with him about his paying you anything personally?

A. No, sir; certainly not.

Q. Did you ever visit him at his house or yard?

A. I never did. I don't know where he lives.

Q. Do you know where his yard is?

A. I do not, sir.

Q. Never went there?

A. I never was there.

Q. At what price, Mr. Pettigrew, were you buying loam in 1898 and 1899?

A. 66⅔ cents a yard, except that at Marine Park we paid a dollar a yard.

Q. That was the Eichorn contract?

A. The Eichorn contract.

Q. And how was the loam procured that you spread upon Franklin and other parks in 1898 and 1899 — by contract or otherwise?

A. Well, we practically took any loam of good quality that was offered to us at that price.

Q. What price?

A. 66⅔ cents.

Q. Will you state to the committee your opinion whether that was a high or a low price?

A. I think that was a low price for loam.

Q. Do you know whether the department had ever succeeded in getting loam at as low a price as that before?

A. I think not. I think the price paid for loam before that time was $1 per load, without much reference to the size of the load. I have been given to understand that — that it might be less than a yard and a half, or more, — but I am under the impression that that is the cheapest ever paid for loam.

Alderman GERRY. — Is that competent — that he understood that?

Mr. MATTHEWS. — No, sir; I don't think it is.

Q. (By Mr. MATTHEWS.) I meant the quesiton to be confined, Mr. Pettigrew, to your own knowledge, your own experience with the department. You have been connected with it since January 1, 1897?

A. Well, that is the price I have paid during my whole time of occupancy of the office.

Q. 66⅔ cents?

A. 66⅔ cents.

Q. Except in the case of this contract at Marine Park?

A. And a contract at North End beach, and another one at Charlestown.

Q. What was the price in those instances?

A. I think a dollar.

Q. Were those contracts let by competition?

A. No, small quantities, just ordered from Eichorn.

Q. I beg pardon.

A. There were small quantities needed there, and they were ordered from Eichorn.

Q. The Eichorn contract was let by competition?

A. Yes.

Q. And have you a map showing the distribution of loam in Franklin Park?

A. Yes, sir. (Producing map.)

Q. Will you explain that map to the committee?

A. These areas marked in red are where loam has been put on the park, for plantations and so on, during the past three years — practically the last two years.

Mr. MATTHEWS. — I will ask to have the map marked as an exhibit, but will not ask to have it printed.

(The map was marked "Exhibit 117.")

The CHAIRMAN. — You don't want that put in the records Mr. Matthews?

Mr. MATTHEWS. — No, sir. I would like to have the Chairman look at it. It shows the distribution of loam for three years.

Q. (By the CHAIRMAN.) These red spots are where the loam was put on the plantations?

A. Yes, sir.

Q. (By Mr. MATTHEWS.) Will you state, Mr. Pettigrew, the uses of loam in the plantation of trees and shrubs?

A. Well, loam is practically used in park work for the growth of trees and shrubbery — grass, trees and shrubbery. They cannot be grown without loam, practically, and the more you have of it, within certain reasonable limits, the better results you will have.

Q. What was the reason for spreading these quantities of loam that have been testified to at Marine Park?

A. At Marine Park, the ground that was covered with loam was simply ground that had been graded up with ordinary subsoil and mud from the bay. There was very little plant food in it, and a covering of fifteen or eighteen inches of loam was put on there in order to plant trees, to form a plantation.

Q. Now, what was the object of spreading these quantities of loam at Franklin Park?

A. The same object — for the growth of trees and shrubs.

Q. Have you any facts that you can state to the committee showing the rate of growth of a tree in different depths of loam?

A. I think these sectional cuts of oak will demonstrate that (referring to Exhibits 100 and 101, cross-sections of oak trees). Here are the opposite extremes.

Q. I call your attention to Exhibit 100, being a section of tree about six inches in diameter?

A. About five inches in diameter -- about five and one-half inches across.

Q. Now, will you state what kind of a tree that was — where it grew, when it was cut down, and in what soil it was found, if you know?

A. This tree (referring to Exhibit 100) is a red oak. It was cut down in the Wilderness, just behind Mr. Bolles' house.

Q. When?

A. Monday, I guess, — no, the day before we had the last hearing. That was last Friday; it was cut down Thursday last.

Q. Thursday of last week?

A. Thursday of last week.

Q. And what do you find to be the age of that tree?

A. This tree is about eighty years old, according to the rings.

Q. And it is five and one-half inches in diameter?

A. Five and one-half inches in diameter. This was grown in thin soil, under unfavorable conditions.

Q. What was the depth of the soil, humus and loam, which surrounded this tree, Exhibit 100?

A. For about fifteen feet around the tree there was a depth of four to six inches of soil, and there were fissures in the rock — I didn' measure the depth of any of those. Beyond that there was a little deeper soil, and undoubtedly the roots would reach it, but I don't think the roots had a depth of more than ten inches in any part of the soil, to work in.

Q. What is the general character of the soil, in the Wilderness part, so-called, of Franklin Park?

A. The soil there is a vegetable humus, gathered in the débris of the glacial drift.

Q. Is it like the soil you have described as surrounding this tree, or does it differ? — the soil in the Wilderness, I am speaking of. Is the soil in the Wilderness generally like what you have described as surrounding this particular tree, Exhibit 100?

A. Yes.

Q. Does it differ in depth?

A. Practically the same — may differ in depth in some parts near where I got this specimen.

Q. You would say that specimen was growing on soil of average depth and under average conditions, so far as the Wilderness was concerned?

A. No, a little below the average.

Q. You mean not quite so good as the average?

A. Not quite so good as the average depth of soil in the Wilderness.

Q. Now, I will ask you about this other specimen tree, a section of which was put in the other day and marked "Exhibit 101." Will you state to the committee what that exhibit represents?

A. This represents an oak. It is a pin oak, that was grown under favorable conditions. The tree hole was excavated twenty-five feet in diameter, and three and one-half to four feet of loam put in the hole.

Q. Now, can you state what the diameter of that specimen is?

A. Ten and one-half inches.

Q. (By Alderman GERRY.) Is that the same sort of a tree?

A. This is a pin oak, as I have said before.

Mr. MATTHEWS. — He said this was a pin oak.

Q. (By Mr. MATTHEWS.) What is the age of that specimen, Exhibit 101?

A. Twenty-one years. It exhibits twenty-one rings from the centre here, and the age is verified by Mr. Dawson, who says he sowed the seed at that time.

Q. (By the CHAIRMAN.) How do you determine the age, Mr. Pettigrew?

A. Each one of these rings represents one year's growth. They grow out from the centre of the tree, a ring being added to the outside each year. So the difference in the number of rings shows how much closer together the rings are in this specimen (Exhibit 100) and how much wider apart in that (Exhibit 101).

Q. (By Mr. MATTHEWS.) The rings in Exhibit 100 are so close together that you can hardly see them?

A. Yes.

Q. And what is the average width of the rings in Exhibit 101 — the pin oak specimen, which grew in the Arboretum in from three to four feet of loam?

A. Well, here the average width of the rings, I should think, is $\frac{5}{16}$ of an inch — nearly three-eighths.

Q. In Exhibit 100 I understand you to say that there are about eighty rings?

A. Yes.

Q. In a radial distance of about two and one-half inches?

A. That is right, sir.

Q. Is that right?

A. That is right, sir.

Q. I will ask you to state to the committee what the natural habit of the red oak is as compared with the pin oak, with reference to rapidity of growth?

A. The red oak and the pin oak grow with about the same rapidity.

Q. I will now call your attention to another specimen which you have brought in to-day. (The cross-section of tree referred to was marked "Exhibit 117.") I will ask you what that is.

A. It is a section of red oak.

Q. Where was it taken from?

A. Taken from the Arboretum, and grown under the same conditions as this (referring to Exhibit 101).

Q. As which?

A. This pin oak. A hole twenty-five feet in diameter was excavated to a depth of about three and one-half to four feet, and filled up with loam.

Q. Now, will you state what the diameter of that specimen is, and its age?

A. Four and one-half or four and one-quarter inches, I should think.

Q. In diameter or radius?

A. In radius.

Q. The diameter, then, would be about nine inches?

A. About nine and one-half, I should think, across that section.

Q. And what do you estimate as the age of the specimen?

A. The same age — twenty-one years. The seed was sown at the same time, and planted by Mr. Dawson.

Mr. MATTHEWS. — I will call that to the attention of the committee (handing Exhibit 117 to committee).

Q. (By Mr. MATTHEWS.) Has there been any excessive depth of loam spread upon any part of the park system since your connection with the department?

A. No. We would like to have had very much more, if we could afford it.

Q. Will you state to the committee your explanation of your system of grading that loam?

A. Well, in grading ground of a rough character or of an undulating character —

Q. You will have to speak a little louder —

A. — if we wish to make a smooth, even grade of it, it is much cheaper to fill up these undulations with loam than

it is to strip the loam off, put in a subsoil, and put the loam back again. Besides, we have the extra advantage of the loam we have added to it, which is always better for tree growth.

Q. Will you explain to the committee the introduction of loam in cross-trenches, across the rides and drives — trenches running in a direction perpendicular to the line of the drive or walk?

A. The object of that is to create more space around the tree. Through the Fens and the Riverway, where we have adopted that plan, the surrounding ground is of gravel, and this trench across affords more room for the trees, and in the Fens gives an opportunity for the roots of the trees to reach the loam of the bank, thereby having an additional bank of loam to run in; and it also might be an advantage in that it might enable the trees to steal a little nutriment from the adjoining property.

Q. What is the character of the gravel that is found in the Fens and Riverway?

A. It is clean gravel, from a gravel bank.

Q. Well, not found naturally there?

A. No. It has been brought there by a railroad, and I should say was entirely deficient in plant food.

Q. You said that one advantage of these cross-trenches reaching from the bordering plantations across the drive to the plantations on the other side of the drie would be that the roots would thereby reach the loam banks?

A. The loam bank, yes.

Q. What did you have reference to in that statement? What do you mean by the loam bank?

A. The loam bank of the Fens. The trenches are dug across to the slope down into the Fens. The slope is composed of loam. Therefore, the trenches would convey the roots down to the loam slope.

Q. Was that loam found there naturally, or was it placed there by the Park Department?

A. Placed there by the Park Department.

Q. Do you know to what depth?

A. Well, in the lower part of the Fens, it is, in some places that I have seen about two feet and in some cases three feet.

Q. Under whose superintendence or direction was that placed there? Do you know?

A. Under Mr. Howe, I think.

Q. At the time when the park plantations were under Mr. Olmsted's care?

A. Yes, sir.

Q. Now, state to the committee what your opinion is concerning the quality of the loam which has been procured by the Park Department since your connection with it.

A. The loam is very good loam.

Q. You make that statement with reference to the loam at Marine Park, Franklin Park, the North End Park, or would you discriminate?

A. The loam at Marine Park was a little bit better than that we were able to obtain at Franklin Park, because it was from a more alluvial district, the loam being more of an unctuous character. The loam obtained for Franklin Park was obtained from a higher and drier situation and contained a little more sand — was not as good as that at Marine Park.

Q. What personal attention have you given, if any, to an examination of the loam delivered to the Park Department at Marine Park, Franklin Park, or elsewhere?

A. At Franklin Park, and on the parks around Jamaica Plain, I think at least once a day I examined the loam coming in, because I was on the work once every day. At Marine Park I examined it, I think, three times a week, probably. I always made it a point to examine the loam very closely, because I thought the growth of the trees depended on its being of first quality.

Q. Was there any muck delivered at the North End Park?

A. No, sir.

Q. Were you in the habit of making reports to the Park Commissioners concerning the quantities of loam bought and delivered?

A. Yes, about once a month.

Q. (Handing report to witness.) Is this a sample of such reports?

A. Yes, sir — reports were made showing the total amount of loam delivered to the Park Department from month to month, about the first of the month.

Q. And this shows the total amount of loam delivered to the Park Department from January 1, 1899, to September 30, 1899. That is, I understand that you were in the habit of submitting to the Park Department reports showing the amount of loam delivered to the department from the beginning of the year to a certain date?

A. From the beginning of the year to that date, yes.

(The report referred to was marked "Exhibit 118" and will be found at end of day's hearing.)

Q. Have you at any time prepared, at the request of the Park Commissioners, a report upon the quantities of loam purchased during the years 1898 and 1899?

A. Yes, I think I prepared such a report for Mr. Stratton.

Q. Is this the report — dated February 14, 1900 (handing paper to witness)?

A. Yes, sir.

Mr. MATTHEWS. — I will offer that in evidence. It will give the exact quantities of loam which were bought — somewhat larger than the Chairman stated, I think.

(The report referred to was introduced as "Exhibit 119," and will be found at end of the day's hearing.)

Q. (By Mr. MATTHEWS.) Have you had prepared, Mr. Pettigrew, an estimate or statement of the quantities of loam which were stripped by the department from its own parks, where roads were built or elsewhere, and spread among the plantations?

A. Yes, sir.

Q. Is that with you?

A. This is the estimate (handing paper to counsel).

Q. Prepared by Mr. Putnam?

A. Prepared by Mr. Putnam.

Q. Showing a total of 247,000 cubic yards?

A. That is previous to 1896, and since 1896 there have been some 21,000 cubic yards.

(The paper referred to was introduced as "Exhibit 120" and will be found at the end of the day's hearing.)

The CHAIRMAN. — Do you desire to put that in as another exhibit, Mr. Matthews?

Mr. MATTHEWS. — Yes, sir. That has gone in as an exhibit.

Q. (By Mr. MATTHEWS.) Now, Mr. Pettigrew, I would like to ask you a few questions about the wall at Jamaica Pond. Will you state to the committee what your knowledge is of the condition of the walks and wall around Jamaica Pond before you altered them, what alterations you have made, and the reasons for them?

A. Around the parts of Jamaica Pond where we have made changes?

Q. Yes, sir. I will have to ask you to speak a little louder, Mr. Pettigrew. It is with difficulty that I can hear you, standing ten feet off.

A. Well, the general level of the water in Jamaica Pond seemed to be much lower than was intended and than was expected when the walk was laid around by Mr. Olmsted, the result being the showing of a long stretch of bare, gravelly beach, not very pleasing to the eye —

Q. Let me interrupt you there. Do you know what depth of beach Mr. Olmsted intended to have exposed — that is, the depth of the space between the walk and the water?

A. I cannot say about the walk, but he intended that the wall should be covered, on an average, to within eighteen inches of the top — the wall that was built around at Pond street.

Q. You mean that the water should come up within eighteen inches of the top?

A. Yes.

Q. Now, will you state to the committee how much of the wall was exposed at the time when you came to Boston?

A. Well, I couldn't say as to that. I didn't pay much attention to it, then. But during the summer season, when the pond was at a low stage, there would be as much as five or six and one-half feet of the wall exposed.

Q. Now, will you state to the committee what you did? Have you some diagrams here showing the changes that you made?

A. Yes. (Producing diagram.) This is a preliminary sketch that was made.

Q. Perhaps you had better explain that to the Chairman, sitting here nearer to him.

A. (Referring to another diagram.) This is pretty nearly the same, and can be seen very much better. (Pointing to diagram.) This represents the wall, here. This filling was put down here, and the top course taken from the wall, and this loam space carried over the top of the wall, nearer the water line, with the intention of planting trees and shrubbery there.

Q. How much of that wall was taken off?

A. About 18 inches.

Q. How many courses?

A. One course.

Q. Did you make any efforts to dispose of that one course of stone?

A. I did not, personally. I didn't expect that we would be able to dispose of the stone, because the stone was fastened to the wall in such a way that it was very hard to get it out, and a derrick would have to be erected, which would have to be moved very frequently, to transfer the stone from the wall to the teams. (The diagram which had been shown to the committee was introduced as "Exhibit 121.") I told Mr. Shea, before doing anything, to see if he could find anyone who would purchase the stone or take it away. He reported that he was unable to do so, as I expected, and we took the next best course and threw the stone into the water.

Q. (By the CHAIRMAN.) That is, you threw those stones into the pond?

A. Yes, sir; just tipped them over into the water.

Q. (By Mr. MATTHEWS.) What was the value of that stone, in your opinion?

A. I have seen such stone delivered along the Arborway at $2.25 a cord — that is, about 128 feet at $2.25.

Q. That was new stone?

A. That was new stone; yes, sir.

Q. What was the value of these stones as they were, when you wanted to get rid of them, in your opinion, to carry away?

A. Didn't have any value.

Q. You say you instructed Mr. Shea to find somebody who would take them away for nothing, if he could?

A. Yes.

Q. And did you state what Mr. Shea reported to you?

A. He reported that he was unable to sell them or dispose of them in any way.

Q. Was there any granite mixed up in that stone?

A. All granite, sir; all Quincy granite.

Q. How was it cut?

A. Cut bevelled on the top, and very bad shape stone to make any use of. It would require extra cutting to make it available for any purpose whatever.

Q. Do you know what that alteration cost?

A. The net cost of the alteration was about between $700 and $800.

Q. (By Alderman GERRY.) Do you remember just how much it was?

A. There was an estimate made.

Mr. MATTHEWS. — You mean the exact amount, Alderman?

Alderman GERRY. — Yes.

Mr. MATTHEWS. — I will put that in in a moment.

Q. (By Mr. MATTHEWS.) Now, Mr. Pettigrew, going down the stream to Leverett Park, will you state what the condition of the pools and outlet of the stream of Ward's Pond was, prior to the recent changes in them?

A. In 1897–98, early in the spring, the little pools that were fed from Ward's Pond by the waterfall became nearly dry, exposing a great length of shore. The water became stagnant and foul, and remained in that condition for three or four months during the summer. The water never got beyond the pools at all — never got beyond the first little pond.

Q. What was the condition of the waterfall during the summer and autumn months of the year?

A. There would be a slight trickle there over the waterfall in the summer season.

Q. Was there anything at that season of the year which prevented the appearance of a waterfall?

A. Nothing at all, sir. I have seen it entirely cease — I think it was in the summer of 1898.

Q. There has been some question as to whether these pools were dangerous or not. Have you anything to say to the committee on that point?

A. Well, they would be dangerous. The pools were about eight feet in depth, and the banks sloped very abruptly, and they were dangerous for children. The pools were small, and receded very rapidly.

Q. Did you understand for what purpose these pools and streams had been constructed?

A. Yes. I understand that they were constructed for an aquarial exhibit of some kind.

Q. And you understand that that scheme was abandoned?

A. That scheme was abandoned, yes. There were two sets of walks there. The pools were to be fenced in, and there was a set of walks within the fence, intended for those who paid for admittance, and also a set of walks just outside the fence, for those who didn't wish to go within the enclosure.

Q. Now, will you state or describe briefly the changes made during the past two years in that part of Leverett Park?

A. The pools were filled up and the walks were remodeled. There were two sets of walks — a needless repetition, a paralleling of walks, — and in one part we used the part of the system that was within the fence, and in another part of the grounds we used the part that was outside of the fence, leaving only one system of walks.

Q. Had the walks that you discontinued been intended for anything besides the fish pools?

A. I cannot see that the walks within the fence would be of any other service than for those who wished to go around the pools.

Q. What was done with the stone which was found in the bridges or culverts in connection with the discontinued walks?

Some was used at Prince street — some of the stone that was picked up while we were making those changes — until the Prince street wall was completed. After that we made the most economical disposition of the stone that we could, and rolled it down the banks of Ward's Pond, under the water line.

Q. Is it there now?

A. It is there now, sir.

Q. Did you make any effort to dispose of that stone?

A. No, I don't think it would be of any use to make any effort to dispose of that stone — it would be useless to anyone, unless they wished to set up some rustic rockwork, or something of the kind.

Q. Is the stone there where it can be got at by anybody who is willing to pay for it?

A. Yes, sir. They are now under water, which can be taken out now as well as at any time, drawn off. It cost very little to put the stone there.

Q. What is that stone?

A. Roxbury pudding stone.

Q. Was there any granite in the rockwork of the waterfall bridge?

A. Yes, some granite in one of the culverts, in the foundation. It was evidently spoiled stone from the wall built around Ward's Pond. Some parts of the coping of the wall there are of the same pattern, in the same design, but it was not used as an ornament to the bridge at all — simply used for filling in the foundation.

Q. What did you do with those granite stones?

A. They were pulled out and put on the bank.

Q. Where are they now?

A. We have used some within the last week.

Q. Where are the rest?

A. Broken up and taken away. We had to seed the ground down.

Q. They have been there during this investigation, haven't they?

A. Yes, sir.

Q. Were they lying on the ground in plain sight at the time when the pond was lowered?

A. Yes, sir; in plain sight of the culvert, within twenty-five feet of where they came from.

Q. Did you do anything to reduce the area of Ward's Pond?

A. No, sir.

Q. Has there been any reduction in the area of Ward's Pond by any of your operations?

A. None at all.

Q. Something has been said about putting some gravel over loam, under the water along the edges of Ward's Pond. Has that been done?

A. Yes, sir.

Q. Will you explain to the committee why that was done?

A. Well, our intention is to plant a lot of aquatic plants along the edge of the pond, within the water line. We excavated a bed for loam within the water line, extending about eight feet from the water line into the pond — excavated the gravel and threw it further down the bank, and filled up with loam, and over the loam put a little gravel, to prevent the water from washing the loam away. The intention is to plant water plants — water lilies and other aquatic plants, along the shore of the pond there, to give it a more natural appearance.

Q. Is that the proper way to prepare soil beneath water for the reception of aquatic plants?

A. That is the only practical way that I know of, unless the plants are set in boxes, which wouldn't be very natural or practical.

Q. Now, will you state what has been done with the pools on the north side of the hill, lying on the north of Ward's Pond?

A. Those pools have been filled up.

Q. Were they part of the natural history pools?

A. They were part of that same scheme, yes, sir, and, without that use which was proposed being made of them, they seemed to be perfectly meaningless. We filled the pools up and regraded the ground, forming a very nice grade, which is now seeded and will have a very fine effect from the road, extending up to the hillside from the road.

Q. Will you state to the committee what has been the general object of these changes effected under your administration at Leverett Park, with reference to the introduction or abolition of artificial features?

A. The general idea has been to abolish artificial features and cultivate natural conditions, natural appearances.

Q. Have you a plan, Mr. Pettigrew, showing the changes that have been made at Leverett Park, that we have just been discussing?

A. Yes (producing plan).

Q. Is there such a plan?

A. Yes, that is the plan.

Q. Now, will you explain to the committee the location of the ten ponds, the ten artificial ponds, that existed when you became connected with the Park Department?

A. (Pointing to the plan.) There are one, two, three, four, five, six, seven. These three here still exist.

Q. Now, the part of this plan that is covered with green represents what?

A. Represents ground that has been regraded.

Q. And all the ponds that are shown on this map inside the green space have been filled up?

A. Have been filled up, yes.

Q. All the ponds shown in blue are still left as ponds?

A. Yes. These ponds here harmonize very well with their surroundings.

Q. I will call your attention to Ward's Pond and ask you to state how many small, artificial pools there are to the northwest of Ward's Pond, immediately adjacent to it?

A. There were three, now filled up.

Q. One witness said there was one. Was he correct?

A. No, sir.

Q. There were three there, were there?

A. Three ponds.

The CHAIRMAN. — Which one of those is the one which, as has been said, the stone was in?

Mr. MATTHEWS. — Well, one of the witnesses said, at first, that it was in Ward's Pond, and when we drained the pond and couldn't find any granite here he changed his testimony, and said it was in one of the little ponds that was filled up.

The CHAIRMAN. — I understood one of the witnesses to say that the stone he alluded to was put into a pond that was filled in.

Mr. MATTHEWS. — That is the witness I am referring to. The first time he said the stone was put in Ward's Pond, and afterwards, when we drained the pond and no granite was to be found there, he said it was put in one of these ponds that was filled up.

The CHAIRMAN. — Is there any stone in those ponds that were filled in?

Q. (By Mr. MATTHEWS.) Is there any, Mr. Pettigrew?

A. There is some here (pointing to map); Roxbury stone, taken from the border of this culvert here. The culvert was not removed, but the edgestone was taken away and deposited here, with the idea that we might need to use it at Prince street, and that we would hold it there until we got through with the Prince-street foundation wall. But the wall was finished, and we had no need for the stone, and we didn't ask anyone to take it, because we knew no one would take it, and we rolled it into this pond.

Alderman GERRY. — Then the witness was correct in his statement about that.

Mr. MATTHEWS. — No, the witness I refer to was not correct, because he said it was granite.

Q. (By Mr. MATTHEWS.) What was the stone you have just referred to?

A. Roxbury pudding stone.

Q. The culvert you have just mentioned is not the waterfall bridge?

A. No, sir.

Q. But another culvert, between the little pools?

A. Yes, sir.

Q. And you say that was Roxbury stone?

A. That was Roxbury stone.

Q. And was finally dumped in, after being put out there for use, if you wanted it — dumped into one of those small pools?

A. Yes.

Q. Now, was any granite dumped into any of those small pools?

A. No, sir.

Q. The granite was laid on the outside, I understand you?

A. There was no granite in the superstructure of any of these culverts. The only granite was in this structure here (pointing to map).

Q. Which one do you refer to — the waterfall bridge?

A. The waterfall bridge.

Q. Now, point out to the committee exactly where all the granite stone taken away from these culverts was placed by you, and where it was three weeks ago, when the water was wholly out of Ward's Pond?

A. It was right there (pointing to map).

Q. At the spot where you have marked the pencil line?

A. Yes, sir.

Q. That is, northwest of Ward's Pond?

A. Yes, sir.

Alderman GERRY. — That is, on the surface?

Mr. MATTHEWS. — It was on the surface, at the time when the committee was invited to go out and see it.

Q. (By Alderman GERRY.) (Pointing to map.) That is water there?

A. No, sir; sloping bank.

Mr. MATTHEWS. — The only water there is this and this (pointing to map).

Q. (By the CHAIRMAN.) And the only granite there is that that was dumped in Ward's Pond?

A. No, sir; that is Roxbury pudding stone.

Q. And that can be seen when the water is drawn off?

A. Roxbury pudding stone, not granite. The only granite in the whole thing was found in the foundation of this culvert, and was laid there (pointing to the map) by the foreman.

Q. (By Mr. MATTHEWS.) And that was laid there four weeks ago, was it?

A. That was there then.

Q. I understand you to say, in response to a question just put by the Chairman, that no granite was thrown into Ward's Pond?

A. None at all.

Q. And you had the pond drained three or four weeks ago, at my request?

A. Yes, sir.

Q. And how long was the water down?

A. Four or five weeks. This (pointing to the map) has all been graded.

Q. (By the CHAIRMAN.) Is this culvert there now, just as it appears there (pointing to map)?

A. No, sir; there is a little brook, running like that (pointing to map).

Q. (By Mr. MATTHEWS.) Mr. Pettigrew, I show you a photograph (handing photograph to witness) and ask you what it describes?

A. These are stones in Ward's Pond.

Q. Now, just state, so that I may get it into the record, what that photograph represents, and when it was taken and at whose request?

A. This photograph was taken at the request of Mr. Matthews.

Q. When?

A. About three weeks ago — I should think four weeks ago.

Q. And what does it show?

A. It shows the Roxbury stone that was taken from these culverts here.

Q. And put where?

A. Down at the shore of the pond.

Q. What pond?

A. Ward's Pond.

Q. Did you have the water lowered for the purpose of showing that?

A. Yes, sir; the water was lowered. Here are these stones, about 18 inches high, and you can see about nine inches.

Q. (By the CHAIRMAN.) How much water was there over this stone when the pond was filled in?

A. (Pointing to the photograph.) There is the water line, just about there, sir.

Q. How many feet are they under water?

A. I should think they are under water about three or four feet.

Q. There is room enough for boats to go over them?

A. Oh, yes.

Q. (By Mr. MATTHEWS.) And those (pointing) are what you call Roxbury stone?

A. Yes, sir.

Q. (By the CHAIRMAN.) If you had to buy those — suppose you had to buy that amount of stone, what is it worth?

A. I couldn't set any price. I don't think they are worth anything, sir.

Q. Nothing in the park system that they could be used for?

A. They couldn't be broken. They are filled with boulders and cobblestones and pebbles. If you attempted to break them with a hammer they would fly to pieces — not workable stone at all.

Q. (By Mr. MATTHEWS.) Boulder stone, or quarried stone?

A. Boulder stone, or stone from the top of a ledge, taken when they are cleaning off the ledge to get some sound material.

(The photograph referred to was introduced as "Exhibit 122.")

Mr. MATTHEWS. — There are two others here, if the committee desires to see them, but I don't care to multiply the number of exhibits.

The WITNESS. — There is a photograph of these granite stones which have been referred to.

Q. (By Mr. MATTHEWS.) (Referring to the same photograph.) I now show you another photograph, and ask you what that represents and when it was taken?

A. This represents the granite taken from this culvert here, from the foundation.

Q. When you say that, you mean the waterfall bridge, or the waterfall culvert?

A. Yes.

Q. That is the granite we have been talking about?

A. Yes, sir; taken from the foundation.

Q. Does that (referring to photograph) represent the granite as it was lying on the ground four weeks ago?

A. Represents the granite as it was lying on the ground four weeks ago.

Q. When was the photograph taken?

A. About two or three weeks ago.

Q. If the committee had gone out at that time, after the water was lowered in Ward's Pond, they could have seen the Roxbury stone, as shown in the other photograph, and they could have seen the granite, as shown in this photograph, could they?

A. Yes, sir. These are spoiled pieces of cap-stone from the wall that surrounds this place, evidently.

(The photograph of granite was marked "Exhibit 123.")

Q. Can you state what these changes in Leverett Park cost?

A. I had the engineer make up an estimate a few days ago.

Q. I hand you several papers. I don't know which is the estimate — it is one of them. Will you look them over, Mr. Pettigrew, and see which it is?

A. (Picking out a paper.) This estimate includes the changes in Leverett Park.

Q. What was the cost, according to the estimates of the engineer, of the changes in Leverett Park, which you have been describing — namely, for the discontinuance of certain walks and the filling of certain pools, embodied in the Natural History Society's scheme?

A. The estimate made by the engineer includes the filling of the pond, changing the walks, removing culverts, steps and wall, and amounts to $9,900.

Q. Now, can you state more exactly than you did a moment ago the cost of the changes in the wall at Jamaica Pond?

A. At Jamaica Pond, removing wall, lowering walk, and grading along Pond-street shore of pond, $760.

Q. That is Mr. Putnam's estimate, is it?

A. Yes, sir.

Q. Alderman Gerry asked, I think, at one stage of the proceedings for information concerning the price at which you sold the gates at Franklin Park, which were taken from the place called "Valley Gate," I think. Can you answer that question?

A. I only have this information from our accountant and Mr. Shea. The gates were sold for $46.23, to George L. Glennon, 36 Ward street, South Boston. He is a dealer in old iron, junk, and that sort of thing.

Q. (By Alderman GERRY.) How much did they cost?

A. I don't know how much they cost.

Q. (By Mr. MATTHEWS.) Did the gates have any value for sale beyond the $46.23?

A. No, sir; because they were of such a pattern, and intended for sliding in and out at the gate-houses. They were not adaptable for any other purpose.

Q. They were not swing gates?

A. No.

Q. Will you state to the committee why those gates were removed?

A. The gates and gate-house were removed, because they made that point very dangerous. That was generally acknowledged by all — we had many complaints from people of the danger of crossing Glen Lane at that point. It is impossible to see in either direction when you are crossing, on account of these gate-houses, and they served no useful purpose, because the gates have never been shut since the park was built, I guess — never were shut in my time.

Alderman GERRY. — Will you be kind enough, Mr. Matthews, to find out, if you can, how much those gates cost originally?

Mr. MATTHEWS. — Mr. Clarke, can you do that? If so, you had better do it now, if possible, as I understand that the committee are anxious to close the case, as far as evidence is concerned. What was the original cost of the gates at Valley Gate?

Mr. CLARKE. — I can telephone out there and see.

Mr. MATTHEWS. — Is there any other point upon which you desire information, Alderman, while Mr. Clarke is about it?

Alderman GERRY. — I cannot think of anything else.

Mr. MATTHEWS. — Well, if you think of anything else, Mr. Clarke will try to get the information over the telephone. I think that is all, Mr. Clarke.

Q. (By Mr. MATTHEWS.) Now, Mr. Pettigrew, what was the cost of rearranging the Greeting at Franklin Park, as it has been rearranged during the past two years.

A. The cost of loam, grading, etc., to make a glade in place of the Greeting, was $15,000.

Q. Do you know what was the estimated cost of completing the Greeting according to Mr. Olmsted's original plans?

A. The estimated cost of completing the Greeting, January 31, 1896, was $175,000.

Q. And the cost of the work you did there was $15,000?

A. $15,000, yes, sir.

Q. Mr. Pettigrew, I think there was another question upon which Alderman Gerry wanted information, and that was as to the cost of the abutments at the Funeral bridge. Have you that?

A. Yes. I saw it a moment ago among these papers — that small paper. You mean the parapet of the stairway?

Mr. MATTHEWS. — That is it, isn't it, Doctor?

Alderman GERRY. — Yes.

Mr. MATTHEWS. — (Taking paper from witness.) Twelve cubic yards of ashlar masonry, at $26, $312; eighty-two linear feet of coping, at $5, $410 — total $722.

Q. (By Mr. MATTHEWS.) What is that?

A. An estimate by Mr. Putnam.

Q. Of the original cost?

A. The estimated cost of the balustrade.

Q. That you removed?

A. Yes.

Q. What was the cost of the removal?

A. The removal didn't cost anything.

Q. Did you use the stone?

A. We gave the stone to a contractor for the removal of it.

Q. I show you a photograph (handing a photograph to witness) and ask you what that represents?

A. This represents the balustrade before removal.

Q. (Handing another photograph to witness.) And I show you another photograph, and ask you what that represents?

A. This represents the stairway after the removal of the balustrade.

(The photograph showing the balustrade was marked "Exhibit 124;" the photograph showing the stairs after the removal of the balustrade was marked "Exhibit 125.")

Q. Exhibit 124 shows the Funeral bridge on that side of it looking from Forest Hills Cemetery, before you made any changes?

A. Before I made any changes.

Q. And Exhibit 125 shows it as it now is. Is that right?

A. That is right, sir.

Q. Now, will you explain to the committee the reason for the removal of that parapet?

A. With the parapet here, the general design of the wall along here seemed very inharmonious and clumsy — looked like a tunnel leading down to the street here. You see, this balustrade is carried along in this direction. There was a road planned across this corner here, to connect with Morton street, farther south, which we abandoned, as unnecessary, and we thought it very much better to take out the balustrades and plant the sides of the steps here with some little shrubbery, screening the edges of the steps, to give it a more natural appearance, more in harmony with the surroundings. It was a very heavy balustrade, anyway, very high, and the steps are only eight feet wide, and it looked like a tunnel.

Q. Now, Mr. Pettigrew, what other changes than those which you have just mentioned — and the cost of which you have given — have been made since your connection with the Park Department, except in the matter of the plantations; that is to say, what other changes in construction or in landscape work?

A. Well, these represent all the changes in the physical contour of the park. We have made changes in plantations.

Q. Yes, I say, except the changes in the plantations you have now mentioned all the changes that have been made from Mr. Olmsted's original plans, and you have stated the reasons and given the cost?

A. I think that represents the whole of them.

Q. Do you know at whose request Mr. Shea asked the contractors to appear here the other day and testify concerning the value of the stone that was removed from the wall at Jamaica Pond and from the culverts at Leverett Park?

A. It was at your request.

(At this point Mr. Clarke came in and handed a paper to Mr. Matthews.)

Mr. MATTHEWS. — Mr. Clarke says, Alderman Gerry, that the original cost of the wrought iron gates was $916 — that is, $916 for the gates and track, less the cost of stone cutting by the Park Department, amounting to $19.30, making the net cost $896.70.

Q. (By Alderman GERRY.) And they were sold for $46, Mr. Pettigrew?

A. Well, that represents considerable more than the actual price of the gates — the $916 covers the gates, the track, and the stone cutting under the track.

Q. (By Mr. MATTHEWS.) That is, the cost of the track and the stone cutting is included in the original cost?

A. Yes, we had to take the track out.

Q. You haven't sold the track?

A. The track was stone, with just a little strip of iron on top of it, dowelled in.

Q. Have I misunderstood you? Do I understand you to state that this statement covers more than was sold for the $46?

A. I thought the $896.70 included the track.

Q. Well, it does, doesn't it?

A. Yes, sir; it does. The track was quite an expensive affair.

Q. What has become of it? I understand you to say it was stone?

A. Stone, cut and laid along under the surface of the ground, with a strip of iron on top of it.

Q. This item that appears here, $225 for track (referring to the paper), was, then, for labor and material in building the track?

A. Yes, sir, $225; so that the net cost of the gate was $691.

Q. Mr. Pettigrew, I now call your attention to a photograph (handing another photograph to witness), and ask you what that represents?

A. That represents the north side of the bridge, I think. That represents the last pool in the series, I think, near Ward's Pond.

Q. You refer to the outlet stream of Ward's Pond?

A. Yes.

Q. Do you mean to say that that is the bridge that was taken down?

A. No, sir.

Q. That bridge is still there?

A. That bridge is still there.

Q. That is the same stream?

A. The same stream.

Q. Lower down?

A. The outlet of the series of three ponds.

Q. This is the same stream that issues from Ward's Pond, only it is lower down?

A. Yes, sir.

Q. Do you see any water in it? (Referring to the photograph.)

A. No, sir.

Q. Is that a fair representation of the aspect of that stream during the summer and autumn months?

A. For about four or five months in the year; yes, sir.

(The photograph referred to was marked "Exhibit 126.")

Q. I will now call your attention to that photograph (handing another photograph to witness).

A. This is part of a wall that we took down to this point here.

Q. Which wall, sir?

A. At Pond street, Jamaica Pond.

Q. This is the wall, the top course of which you removed?

A. Yes, sir.

Q. Does that show the bevel on the stone?

A. Yes, sir.

Q. And the general character of the stone?

A. Yes. It is bevelled back here with the tool.

Q. And the top course, sloped as is shown in that photograph, is what was taken off, is it?

A. Yes, sir.

(The photograph referred to was marked "Exhibit 127.")

Q. Mr. Pettigrew, have any violations of the civil service rules by any of your subordinates been called to your attention since your connection with the department?

A. No, sir.

Q. Did you ever hear any complaints with reference to the use of alcoholic liquors by either Mr. Weidener or Mr. Abbott?

A. Never, sir — never smelled anything but tobacco on Mr. Weidener.

Q. Did you ever at any time make a report to the Park Department concerning the lack of water supply at Ward's Pond and the outlet of the stream?

A. Yes, sir.

Q. Is that the report (handing a paper to witness) dated October 18, 1897?

A. Yes, sir.

(The report referred to was introduced as "Exhibit 128.")

Alderman GERRY. — That is what, please?

Mr. MATTHEWS. — That is a report on a number of matters, including a memorandum of the decrease in the water supply at Ward's Pond and the outlet stream, and recommendations to fill the ponds up.

The CHAIRMAN. — Of what material benefit is it to either side to load the records down with that?

MR. MATTHEWS. — Well, sir, as this is to be a perpetual record, printed at the expense of the city of Boston as a public document, we think, in justice to the subordinates of the department — particularly to Mr. Pettigrew, and also to others — that the defence should be complete in the record, as well as the attack.

The CHAIRMAN. — There is a good deal of matter in that.

Mr. MATTHEWS. — Four typewritten pages.

The CHAIRMAN. — Well, there are a good many things going in.

Mr. MATTHEWS. — I know it, sir, but here is an official paper, a report made by the superintendent in the ordinary course of business to the department, dated October 18, 1897, and acted on by the department.

The CHAIRMAN. — I have no objection to its being put in, except by reason of the loading down of the records and making such a large volume.

Mr. MATTHEWS.—There is but one of two things to be done — either I will read it in full, which I am prepared to do if the committee desires, or I will submit it to be printed with the exhibits.

The CHAIRMAN.—The result would be the same.

Mr. MATTHEWS.—The result will be the same, as far as swelling the records goes. I don't see how I can omit it, sir. I am endeavoring and have endeavored to keep the volume of printed matter down, as far as possible; but the Chair will recollect that there have been some seventy-five to one hundred different matters of criticism referred to.

The CHAIRMAN.—Has there been any criticism of that report?

Mr. MATTHEWS.—No, sir; but the things mentioned in that report help to clear up matters upon which there has been criticism. I want to show, for instance, that Mr. Pettigrew made official recommendations, which were acted upon by the Board, and if there is any responsibility in connection with these matters it rested with the Board, rather than with Mr. Pettigrew, or, rather, jointly with both of them.

The CHAIRMAN. — I will ask counsel not to put in matters which are not of material benefit in connection with his case, so as not to enlarge the volume unnecessarily at all.

Mr. MATTHEWS. — I will endeavor to bear that injunction in mind, Mr. Chairman. I can assure the committee that I have no intention of swelling the records unnecessarily; but there are certain official papers which it seems to me should be made a part of the records in this case. I think I have put them all in now, with the exception of some letters from Mr. Olmsted. The committee will also bear in mind that I am keeping the oral testimony down within a much smaller compass than that offered by the prosecution.

Q. (By Mr. MATTHEWS.) Now, Mr. Pettigrew, I will ask you some questions concerning the subject of trees and shrubs, and the plantations generally, and with those questions I will close your direct examination. Can you state what has been done with the nurseries in the Park Department since your connection with it?

A. In what respect? I don't quite understand.

Q. In any respect — have they been enlarged or reduced in size?

A. Yes, the nurseries have been enlarged very materially. When I first came into the department the only nursery in the department was one near the greenhouse. Since then we have opened up quite a large tract near Morton street, one at Chestnut Hill — Chestnut Hill Reservoir, another at Frank-

lin Field, another on West Roxbury Parkway. I should think they would aggregate altogether about six or seven acres of ground.

Q. Can you state to the committee how many trees have been set out in the permanent plantations since your connection with the department?

A. From 250,000 to 300,000 trees and shrubs have been set out by the department since I came there.

Q. Can you state to the committee in a general way, briefly, the theory of planting trees and shrubs as practiced by persons in the business, with reference to the number that are first put out and that are subsequently left in?

A. The best practice is to plant the trees thickly in plantations, planting several species, as many species as you can get conveniently together that are hardy to the climate, and from time to time to trim out those that are injuring better trees, and finally to select the combinations that you would like to have in that particular plantation, taking into consideration hardiness, blending, adaptability to soil, etc., and reducing the plantation finally down to such trees as you wish to retain for mature specimens, or for a blending of different kinds in the plantation. The principal thing to be observed is to thin out quickly — enough so, so that the trees will not injure each other. As soon as they begin to touch and to interfere with each other in their branches, they ought to be thinned out. The object of planting is first to get thick effects, so that the trees will protect each other. They will grow more quickly in that way, at first.

Q. You get a much more rapid growth of individual plants, if they are set out thickly in the first instance?

A. You do; yes, sir. They give protection to each other from the weather. The old adage among gardeners is to plant thickly, but to be sure to thin quickly.

Q. Now, taking up the plantations that have been mentioned in this investigation, in order, beginning with the Fens, I wish you would state to the committee in your own language the condition of the plantations as they were before you attempted to change them — what changes you effected in them and the reasons for the changes, beginning with the plantations in the Fens — meaning the beds of shrubbery and the trees?

A. When I became connected with the department —

Q. I will ask you to speak a little louder, Mr. Pettigrew?

A. — in 1897, I found the Fens in a very bad condition. The trees and shrubbery had been planted thickly enough, but no further care seemed to have been given to them.

They had grown up into a tangled mass of vines, shrubs and trees, and most of the herbaceous plants within their range had been killed out, and it was a hard matter to tell what to do with them. If the plantations had been mine, I should have cleaned them out entirely; but, from a fear of criticism which I have experienced before in my park work, I went at it in a little slower manner and took sections and endeavored to thin out the shrubbery. But, in thinning out I found that the remainder of the shrubbery had been so badly spoiled that it was not fit to be seen so we took small sections and thinned them out entirely, and replanted. Throughout the Riverway, the problem —

Q. Before you leave the Fens to go to the Riverway, will you state a little more in detail the condition of the shrubbery as you found it, as contrasted with the condition that it ought to have been in, if the original recommendations of Mr. Olmsted had been carried out when the Fens were first planted?

A. Well, for want of proper thinning out the shrubs, as I say, became all interlaced together. A great many of the branches were killed, and there was simply a little foliage on the top. It was a whited sepulchre.

Q. Had the valuable shrubs been affected, to the advantage of the less valuable ones, or not?

A. The strong growing willows had killed out trees that they were intended to protect and nurse.

Q. That is, the nurse trees had got ahead of the permanent trees?

A. Yes. Evergreens, which had probably been planted to break the winds, had overgrown deciduous trees, which were probably intended to be permanent, and destroyed them. The evergreens had grown closely together, so that their branches had been ruined, and on thinning out it was found that the remaining branches were not fit to be seen, that you couldn't thin out without exposing their nakedness.

Q. What was the condition of the shrubbery along in the Fens when you came to Boston, having reference to density, as one looked at it in walking and driving by?

A. It presented a dense mass of foliage in the summer time.

Q. At the top, or away down to the ground?

A. At the top, the top branches.

Q. But what was the condition below?

A. Dead branches, and branches without leaves. There was no individuality to any of the shrubbery or herbaceous plants — a tangled mass. It would have been only a short time when the whole mass would have rotted away.

Q. Does the sort of shrubbery planted in the Fens require, in your opinion, a great deal of treatment, a great deal of annual care?

A. Yes. A mixture of shrubbery and herbaceous plants, such as has been planted in the Fens, is a very expensive form of gardening to maintain.

Q. What do you mean by an herbaceous plant? Explain that.

A. I mean a plant that dies down in the fall and comes up in the spring — a perennial plant. It requires constant attention to prevent the grosser, stronger growing kinds, from crowding out the weaker — attention which it is almost impossible in our system to give. The appropriation will not stand it.

Q. How does the system of planting that you have introduced compare with that which you found in the Fens, with reference to the annual cost of keeping the plantations in proper order?

A. Well, I think it will prove more economical. But our principal object will be to cover the banks between the bridle-path and the walk with a mass of shrubbery. At the same time, we will keep it thinned out so that each shrub will maintain some individuality and have room enough to grow and keep healthy, and yet they will be close enough together to prevent the growth of any weeds below.

Q. Ought shrubbery, as laid out in the Fens, to be well branched from the ground up, so as to present a mass of foliage from the top down to the ground?

A. It ought to be so, yes.

Q. Was it so in the plantations when you came to Boston?

A. No, sir; it was not. A mass of shrubs would extend more than twenty or thirty feet, that simply had a little foliage over the top of the mass and no foliage at all within the mass, the branches being all interlaced.

Q. Now, will you state what the condition of the trees in the Fens was and what changes you made in them?

A. The condition of the trees was about the same — a large number of short-lived and quick growing willows had been planted to shelter these trees. It is a very exposed situation, and they were very properly planted there for that purpose, but none of them had ever been thinned out. None had ever been taken away as the better trees, the permanent trees, had grown. The willows had overcrowded the other trees, and a great many trees were ruined in that way, which we had to remove, planting others in their places. A great

many years of time were lost in that way. We have planted trees in the last few years that need not have been planted if the first plantation had been cared for. Fifteen years of time had been lost.

Q. What did you find the condition of the conifers in the Fens to be?

A. The condition of the conifers was the same as about all the rest. The conifers are ill adapted to such a place. They were planted simply to protect the others, to make a still atmosphere, to break the winds, and they are not intended, according to the best practice, for use so near towns. They will not stand the effects of smoke and dust. The deciduous tree sheds its leaves from year to year, but the conifers retain their leaves from year to year, and the effect of smoke and dust upon them is very deleterious.

Q. Is that the experience of various cities in connection with conifers?

A. Yes, sir; that has been so in other cities. New York cannot use them.

Q. That is, they have had to abandon the planting of coniferous trees?

A. I believe so.

Q. What is the condition of the white pines and other coniferous trees that you find in the Fens?

A. If you draw the foliage through your fingers, you will find that it will leave peculiar marks on the fingers, marks of soot and dust. Then, you will find that the lower branches of those trees are all out of shape; that there is not a single tree of symmetrical proportions or good appearance.

Q. Now, what do you say about the line trees — that is, the border trees set out along the drives on both sides of the Fens?

A. I found a line of trees on Agassiz road — that is, the southern border of the Fens. They were hard maples, and very few of them had a trunk any thicker than my thumb. They were supported by stakes. If you attempted to take the stakes away from them they would fall over onto the sidewalk or the street — wouldn't hold their heads up.

Q. What did you do with those trees?

A. I removed them, and planted Norway maples.

Q. What did you find on the east side of the Fens, between the sugar maples you have just spoken of and the Boyle O'Reilly monument?

A. Well, there were some very good Norway maples there, evidently planted some time previous to this time I have been speaking of, very good trees, six or seven inches

in diameter, perhaps some eight inches in diameter, with good heads.

Q. What did you do with them?

A. Two years ago we re-enforced them and gave them more loam to grow in.

Q. What did you do with the trees?

A. The trees are there yet.

Q. All the trees, then, that you found on the east side of the Fens are there to-day?

A. Yes, sir.

Q. And you say they were Norway maples?

A. Norway maples, yes, sir.

Q. And good trees?

A. Yes, sir.

Q. And those are the trees around the Boyle O'Reilly monument?

A. The same trees.

Q. Now, cross over to the west side of the Fens — what trees did you find there? What was their condition, and what did you do with them?

A. About one-half the distance between the John Boyle O'Reilly monument, or, rather, the Boylston bridge and Brookline avenue — were red maples, swamp maples. For the other half, extending to Brookline avenue, were ash trees. The red maple is not adapted to that situation. It is a tree that loves the dampness, loves to have its feet in the water, almost. They made a very slow growth — probably had been planted the same time as these Norway maples.

Q. As the maples around the O'Reilly monument?

A. Yes, but the conditions were unfavorable for their growth. They were stunted, and in some cases they had died, and smaller trees had been put in their places, so that the whole line was uneven. The ash trees had been supported by stakes. The stakes were twelve or fourteen feet high, and they were tied with those stakes clear to the top. We endeavored to take the stakes away, and they wouldn't hold their heads up. We took the stakes away in the fall, thinking the winter would stiffen up their stems by exercise, blowing in the wind, etc., but in the spring, as soon as the foliage came out, they would topple over again, and we would have to put the stakes back. They were a very poor looking lot, any way, and as irregular as the red maples were. So we took the whole business up and planted the line with Norway maples.

Q. That is, you found on both sides of the park swamp maples and American white ash?

A. Yes.

Q. You found them in poor condition, and took them all out and replanted the whole line with the same kind of trees that Mr. Olmsted had planted on the other side of the park — namely, Norway maples?

A. Yes, sir.

Q. So to-day you have a continuous line of Norway maples around the Fens?

A. Yes, sir — clear to Brookline avenue and back again.

Q. What is the condition of the Norway maples that you set out in place of the swamp maples and the ash trees?

A. Doing very well. At the same time we re-enforced the borders, gave them more loam to grow in — found a very small quantity of loam in some places, not more than ten or twelve inches, and all around was a porous, gravelly filling, where it was impossible to retain any moisture in the loam bed.

Q. Now, will you explain what was done along the Riverway with the plantation?

A. Along the Riverway — there was a large quantity of willows found there, and the shrubbery was here and there, all over the two borders. There is one border between the walk and the drive, and the other border between the walk and the stream. The walk is winding, and there is a chance to make some very pretty effects by massing the shrubbery up in groups and masses, leaving openings from the walk to the water. We spent two seasons in rearranging the plantations there and cutting down a great many of those willows, which had been planted evidently for the same purpose as in the Fens — for shelter and protection.

Q. As nurses?

A. As nurses. We added to the shrubbery there, planting a great many shrubs that would be harmonious with the surroundings, with the water, and a great many trees, and we left in the Riverway open grassy spaces between the walk and the water, so that those using the walks could see the water occasionally. But between the walk and the bridle path we made it solid with shrubbery and trees, shutting out the one from the other.

Q. What did you do with Pine Bank?

A. At Pine Bank, we thinned out the trees there. Where good trees had been injured by inferior ones, we took the inferior ones out. We took out quite a number of Norway spruces that were filling up the lawn and had passed maturity, would never be as fine trees as they were when we cut them down, and arranged a border on the north of Pine Bank for a plantation of hemlocks, which is ready to go out now.

Q. What is the experience that park superintendents and others interested in trees have had with Norway spruces in this country — that is, in eastern Massachusetts?

A. The Norway spruce does very well up to about the age of twenty years, and then it begins to deteriorate. It is not a handsome tree after that time.

Q. Did you have anything to do with cutting out any trees on South street, in the Arboretum?

A. No, sir.

Q. On the Motley place?

A. No, sir.

Q. What has been done with the trees or plantations in Franklin Park?

A. In Franklin Park we followed the same practice. Franklin Park, a large part of it, was made up of private estates, and a great many trees were planted in lines and in hedges, and in various other ways. Each place would be a self-contained one, and the trees planted in it would have almost no reference to general blending with the surrounding estates. When the houses were removed, there were masses of Norway maples, European sycamores, and various other trees of foreign growth, foreign extraction. We took and thinned these out, as well as trees that were crowding better trees, made a general thinning out of poor material throughout the plantation, also in the old woodlands; but in every case we retained all of the undergrowth, excepting the rum cherry or wild black cherry. Those we took out wherever we found them. They are practically tree weeds. Then, in the Wilderness, our thinning out was done a little more carefully. We did not wish at all to injure the natural appearance of the Woodlands. We simply took out such trees as were evidently injuring other trees of better growth, better appearance; but where nothing had been injured we left the trees to grow together. That is a process, a thing that must be attended to from year to year. I cannot say that the thinning of trees in plantations is ever finished. The axe must never be laid aside, must be continued from year to year as the trees grow.

Q. Did you find exotic trees and shrubs in Franklin Park, and, if so, what have you done with them, giving the reason for your action, if any?

A. Well, it was intended that Franklin Park should be a piece of natural woodland, and exotic trees and shrubs would not be harmonious with that idea. So we removed all exotic trees and shrubs.

Q. What is the general experience that park owners and superintendents have had with exotic trees and shrubs in

eastern New England, with reference to their hardiness and their appearance after having been growing twenty or twenty-five years?

A. Oh, well, there are a great many who attempt to grow exotic trees and shrubs that are not hardy, and they have no success with them. There are exotic trees and shrubs that do very well. The Norway maple is an exotic tree here.

Q. That is a success here, I understand?

A. That is a success, and it is one of the very few that can be successfully grown in New England. Some of the Japanese barberries are very successful here, and do very well with us, and some of them have been retained.

Q. What do you say of the Irish junipers and the Japanese retinosporas that have been taken out of Franklin Park?

A. They are not hardy here, and it would be folly to attempt to make a feature of them in any landscape here.

Q. The roads in the Wilderness, and the reservoir in the Wilderness, the wall in Glen road, the Funeral bridge, the wall at Jamaica pond, the walks around Jamaica Pond — I will group them altogether — were any of those works constructed during your connection with the Park Department?

A. Not any of them, I think. They were all in existence when I came here.

Q. What do you say about cutting out the undergrowth in Franklin Park? I understood that you hadn't done any of that work?

A. We saved the undergrowth, and, in fact, all the thinning out of trees was to let a little more light in, so that the undergrowth would flourish a little more; so that herbaceous plants would spring up, and there would be a general improvement in the appearance of the floor of the woodland.

Q. What is your policy with respect to encouraging or discouraging the undergrowth in forest plantations such as you find in Franklin Park?

A. We encourage it all we can.

Q. Does it have any special effect on the trees, and, if so, what?

A. Yes, it protects the trees from the rays of the sun, holds the moisture and is generally beneficial.

Q. Protects the trees — you mean the soil?

A. Protects the roots of the trees from the sun and hot winds.

Q. From sun and hot winds?

A. Yes.

Q. Has there been any rocking stone or large bould taken away from any part of Franklin Park, under direction?

A. No, sir; none removed since I have been there.

Q. Mr. Pettigrew, one or two witneses have said that, in their opinion, it seemed to be the policy of the present administration of the Park Department to encourage English park effects — meaning the growth of isolated specimen trees. Will you state whether that is so or not?

A. That is not so.

Q. Go on.

A. Not in the sense of cultivating specimen trees. The effort has been to improve the growth of trees, to improve their individual appearance, but not in any sense to give each a certain amount of room with reference to the next one, so as to show up a specimen tree.

Q. Is there any part of Franklin Park, or any part of our park system, which you would say resembles even remotely the English park scenery that these witnesses have spoken about — meaning lawns and meadows covered with isolated trees, spaced widely apart?

A. Well, Ellicottdale, where the tennis courts are, as far as it goes approaches an English park scene, and the golf meadows do, too — open scenery, with scattered trees here and there, scattered groups.

Q. Was any part of the landscape features of Ellicottdale, that you have just mentioned, constructed by you, arranged by you?

A. No, sir.

Q. By whom was it laid out?

A. Mr. Olmsted, I suppose, but that is an adaptation of what he found there. Private estates were there, with isolated trees planted here and there, and I presume he thinned out as we have done along Seaver street, when we had the raw material to start with. He did the same thing at Ellicottdale. He thinned out foreign stuff and one thing and another that was not needed, and left these fine trees there.

Q. There had been a good deal of thinning done in Franklin Park before you arrived?

A. Well, the woods didn't have the appearance of having been thinned out, at any rate for a good many years.

Q. Was there any appearance of thinning out trees in some of the open portions of the park?

A. Yes; in the line of the roads. There was a view cut through Abbotswood, evidently, a view looking from the Refectory down towards Morton street. There is a gash through Abbotsford 75 to 100 feet wide.

Q. Has there been any effort on your part, or is it any [illegible] of your policy to treat park trees from the Arboretum [illegible]dpoint?

A. No, sir.

Q. Has there been anything done under your direction in the Boston parks approaching the work that has been done by Professor Sargent at the Arboretum?

A. No, sir.

Q. Nothing of the same sort?

A. No. In the Arboretum the idea is to have a specimen tree, to have it as nearly perfect of its kind as possible, and Professor Sargent prepares very large holes and puts in very good loam and a good deal of it, and gives the very best of treatment, in order to produce the finest effect. We, in planting isolated trees, or trees where we don't plow the ground over, make very much smaller holes; but mostly our trees are planted merely in plowed ground, in the loam that we have there or that we deposit there.

Q. Now, will you state what condition the woods in the Wilderness in Franklin Park are in?

A. Well, the woods in the Wilderness — it is a collection mostly of oaks grown very closely together. The saplings have sprung up and the soil is very poor and very thin. The growth is very knotty and gnarled, and while it looks very picturesque, yet there is no growth there. The Wilderness is a very fine place of its kind, and merits the name, I think. It is very attractive and pleasant.

Q. Has there been any attempt on your part to detract from the wildness of its aspect?

A. No. I have tried to enhance it as much as possible.

Q. Is the present growth in the wilderness a product of nature?

A. Yes, sir.

Q. Is it the growth which was there originally, in your opinion?

A. No, I think that most of these hills have been covered with coniferous growths.

Q. Originally?

A. Originally, yes, sir. I don't think that hard wood would naturally grow in such a soil and in such a location.

Q. You said, Mr. Pettigrew, if I remember right, that you had had trouble about cutting trees and shrubs in other places?

A. Yes, sir.

Q. Just state to the committee what you meant by that?

A. In my first experience in park work, in the west parks of Chicago, the trees had all been planted there. There was nothing but a piece of bare prairie when the parks were commenced, and I found trees thirty to thirty-five feet

high crowded in closely together. The first work I started upon was the thinning out of those trees, and I met with criticism at once from the papers and from well meaning people who thought that the parks had been destroyed. At Lincoln Park there was a growth of cottonwoods — we couldn't grow much else but cottonwoods and willows there, because the park was made up mostly of sand. There was a growth of cottonwoods that I attempted to thin out there, and I met with the same objection.

Q. Is that a common experience?

A. A common experience?

Q. As far as your information goes?

A. Yes. In Brooklyn I entered on the thinning of trees there, with the approval of the commissioner and also of the previous commissioner. I had not got very far along before I received a telephone message that the public were on to the fact, and I had to lie low for about a couple of weeks, and then go out in stormy weather and wet weather and try to complete the job. The previous superintendent of the Brooklyn parks had been compelled to leave on that account—a very efficient man, who knew his business, but the hue and cry was so strong that he resigned his position. That was some years ago.

Q. Do you know whether they had some such trouble in New York, too?

A. Yes, sir. Several times they have had trouble of that kind in New York, so that they have been even afraid to touch a dead spruce tree.

Q. In your opinion, is that a common experience that those who have the management of public parks undergo?

A. It is the same experience that they all have, even in London. Colonel Sexby, who has charge of the public grounds and parks in London sent me a report of a committee that was appointed by the London Town Council to investigate the complaints made about the thinning out of the trees in Epping Forest.

Q. As far as your experience and knowledge go, it is the universal experience of everybody who has anything to do with parks that the moment you undertake to thin out trees some people object.

A. Yes.

Q. Now, in your opinion is it an absolutely necessary thing to be done, in the interest of the trees themselves.

A. Absolutely necessary, yes, sir.

Q. Is there any difference of opinion upon that subject among landscape gardeners, landscape architects or park

superintendents, or other persons whose business or profession it is to have the care of trees and shrubs?

A. I don't know of any exception. They all agree that this cry against the thinning out of trees, or the neglect to thin out trees, is responsible for a great deal of damage to the parks of the country.

Q. Do you know what Mr. Olmsted's views on that question were?

A. Yes, sir; I have read his views on the question.

Q. Did Mr. Olmsted ever have occasion to write a short treatise on the subject?

A. He did, in connection with the New York parks, when the hue and cry was raised about the cutting out of trees there. He compiled some of the statements of different horticulturalists, men who were conversant with the business, into a pamphlet.

Q. Is that a copy of the pamphlet (handing a pamphlet to the witness)?

A. Yes, sir.

Q. Is that a well known treatise on the subject?

A. I don't know how well known it is, but a great many of these men are well known. The pamphlet, I think, was not circulated very largely.

Mr. MATTHEWS. — I should like to have that marked as an exhibit, for identification. I shall not ask to have it printed.

(The pamphlet referred to, entitled "Observations on the Treatment of Public Plantations, more especially Relating to the Use of the Axe," by F. L. Olmsted and J. B. Harrison, was marked "Exhibit 129.")

The CHAIRMAN. — You don't intend to have that go into the records?

Mr. MATTHEWS. — No, sir — just to have it marked. I don't know but what Mr. Lundy may like to see it. I shall refer to it and argue upon it.

Q. (By Mr. MATTHEWS.) Mr. Olmsted was a recognized authority on this subject, was he not?

A. Yes, sir.

Q. Did you receive any instructions or advice from him when you first came to Boston, with respect to the work that you have since done?

A. Yes, sir.

Q. And whether or not you have, in the work that you have done or in the plantations that you have set out, followed his advice, or otherwise?

A. Substantially followed his advice.

Q. Substantially followed his advice?

A. Yes, sir.

Q. Is that true as to the work you did on the plantations in the Fens?

A. Yes, sir.

Q. And in the Riverway and in Franklin Park?

A. Yes, sir.

Q. And were those instructions or advice communicated to you in writing?

A. In writing; yes, sir.

Mr. MATTHEWS. — I have here, Mr. Chairman, some letters from Mr. Olmsted, or from the firm of Olmsted, Olmsted & Eliot, which I would offer in evidence, and would ask to have printed. One is a letter dated August 13, 1893, addressed by Olmsted, Olmsted & Eliot to Mr. Paul Kendricken, chairman of the Board of Park Commissioners (see Exhibit 130 at end of day's hearing); another is a letter from Mr. Charles Eliot to Mr. George F. Clarke, secretary of the Park Commissioners, dated June 6th, 1895 (see Exhibit 131); another is a letter from the firm of Olmsted, Olmsted & Eliot, dated November 21st, 1896, and addressed to Mr. E. C. Hodges, chairman of the Board (see Exhibit 132); another is a letter from the same firm, dated January 4, 1897, and addressed to Mr. E. C. Hodges as chairman (see Exhibit 133); another is a letter dated February 24, 1897, and addressed to Mr. J. A. Pettigrew, superintendent of parks (see Exhibit 134), and the other is a letter written by the firm, Olmsted, Olmsted & Eliot, dated March 15, 1897, and addressed to Mr. Pettigrew (see Exhibit 135). I offer all those letters in evidence. I will read them all, if the committee will give me the time. If not, I will ask to have them printed as exhibits, and made a part of the record. I offer those for the purpose of showing that substantially everything that Mr. Pettigrew has done in the way of changes in the plantations was done upon the written advice and instructions of Mr. Olmsted, the gentleman whose plans they are accused by unthinking and indignant persons of changing. I think that completes the list of the Olmsted correspondence which I wish to put in. I desire also to offer the correspondence relating to Mr. Knuepfer, who was discharged from the department. There has been some reference in the evidence to the correspondence, which consists of a letter from the Mayor to the Board of Park Commissioners, dated February 18, 1898, a reply from the Park Commissioners to the Mayor, dated February 19, 1898, enclosing with their letter to the Mayor a letter from Alderman Lott to Mr. Pettigrew, dated

January 29, 1898, Mr. Pettigrew's reply to Alderman Lott, dated January 31, 1898, Mr. Pettigrew's report to the Board, dated February 9, 1898, and the Board's reply to Mr. Knuepfer's request for a rehearing of his case, dated March 1, 1898. Those are all to be printed as one exhibit.

(The letters were submitted and were marked Exhibit 136, which is printed at the end of day's hearing.)

Q. (By Mr. MATTHEWS.) And have you made a formal report to the Board of Park Commissioners with respect to the plantations in the Fens?

A. Yes, sir.

Q. Under date of January 19, 1900?

A. Yes, sir.

Q. Well, I suppose that is substantially in accordance with your present testimony to-day?

A. Yes, sir.

Mr. MATTHEWS. — I will not offer that. It is here in case any member of the committee desires to see it. I would like to ask the committee if it will adjourn at about ten minutes of six?

The CHAIRMAN. — Are you through with Mr. Pettigrew?

A. Well, I shall hardly take five minutes more.

The CHAIRMAN. — You will continue with him at the evening session?

Mr. MATTHEWS. — Well, I shall go on with Mr. Pettigrew, and Mr. Sargent and Mr. Parsons at the evening session. I would like to ask Mr. Clarke in the next five minutes to exhibit to the committee some photographs that have been taken.

Alderman GERRY. — Are we to go on to-night?

Mr. MATTHEWS. — My instructions were to finish up to-night. I am prepared for that. Now, Mr. Clarke, if you will show the committee these photographs. I do not think we will have the photographs marked as exhibits, but we will show them to the committee.

The CHAIRMAN. — Couldn't those be put in and let the committee look at them later on?

Mr. MATTHEWS. — Well, they will have to be explained, I think. That is all.

The CHAIRMAN. — I think the committee can understand them, if they are put in without explanation. They are all marked, are they not, to show what they are?

Mr. MATTHEWS. — Have they all written on the back of them what they are, Mr. Clarke?

Mr. CLARKE. — I don't think all of them have.

Mr. MATTHEWS. — Well, supposing Mr. Clarke writes on the back what they represent?

Alderman GERRY. — (Examining photographs.) I think I should know most of them.

Mr. MATTHEWS. — Well, I think if Mr. Clarke writes on their backs what they are, that will answer. Will you do that Mr. Clarke, before half-past seven?

Mr. CLARKE. — Yes, sir.

The CHAIRMAN. — Are you through with Mr. Pettigrew?

Mr. MATTHEWS. — Practically; yes, sir. I have only two witnesses more, and if we can get through to-night, I am willing to stay for that purpose. I am through with Mr. Pettigrew unless there is some question I have forgotten.

Alderman GERRY. — I would like to ask you if you would object to any testimony which might come from well-known authors regarding the depth of loam requisite for plant food, and such things as that?

Mr. MATTHEWS. — I have no objection at all. I would say that any such information could be furnished to the counsel, and he could read from it in his argument, I having the same privilege; but I think the names of the authors ought to be mentioned first.

Alderman GERRY. — Why, certainly.

Mr. MATTHEWS. — That is why I submitted the Olmsted pamphlet which I submitted a few moments ago (Exhibit 129). If there are any works of a similar character that you desire Mr. Lundy to quote from, I should be very glad to have that done, providing you furnish the names before the adjournment of the hearings, so that we can see they are by well-known authors.

Alderman GERRY. — Is Mr. Pettigrew Mr. Lundy's witness?

Mr. MATTHEWS. — Well, yes, except that I have one witness who is to leave to-night, and I would like to put him on first, perhaps, and let Mr. Pettigrew wait. I myself am prepared to stay here indefinitely until we get through.

The CHAIRMAN. — The hearing will now be adjourned until half-past seven, prompt.

EVENING SESSION.

The committee was called to order at 7.30 P.M. by Chairman NORRIS.

TESTIMONY OF SAMUEL PARSONS, JR.

Q. (By Mr. MATTHEWS.) Mr. Parsons, will you state your full name and profession?

A. Samuel Parsons, Jr., landscape architect.

Q. And where do you practice that profession?

A. New York City.

Q. Have you had any experience in managing parks?

A. Yes, I have been Superintendent of Central Park — of the parks of New York, more properly, from the Battery to Rochelle — for about fifteen years, sixteen years.

Q. Are you a member of a firm, or do you practice individually?

A. Member of a firm.

Q. What is the firm?

A. Parsons & Pentecost.

Q. And where is the office?

A. Twenty-sixth street and Broadway, 1133 Broadway, the St. James building.

Q. Have you had any experience in park management other than in Central Park?

A. I have. I am constructing two parks at the present time.

Q. Where are they?

A. One is in Yonkers and the other is in Philadelphia.

Q. What position did you occupy in the New York Park Department?

A. I occupied the position of Superintendent of Parks, and that of Superintendent of Planting. Those were the two positions.

Q. Are you familiar with the parks of the country in other cities than New York and Boston?

A. I am — in Boston, Philadelphia, Baltimore, Washington, Chicago, Kansas City, three or four other western cities.

Q. Have you ever visited or inspected the Boston parks?

A. I have, several times.

Q. Have you recently, at my request?

A. I have.

Q. When was that?

A. To-day.

Q. When last, prior to to-day, did you see the Boston parks?

A. About four years ago.

Q. Did you go over them then?

A. Yes, drove over them, walked over them — portions of them.

Q. And you say that to-day you have made a special examination?

A. I have.

Q. Which parks did you inspect to-day?

A. I inspected the Fens, the Riverway, Leverett Park, the Wilderness, Jamaica Pond, Franklin Park.

Q. Did you visit the Charlesbank?

A. I did — the Charlesbank.

Q. Any other parks besides those you have mentioned? Did you go to the Arboretum?

A. Went to the Arboretum, yes.

Q. That is, you took in the entire main park system, from Commonwealth avenue or Beacon street to Blue Hill avenue, and also the Charlesbank?

A. I did.

Q. Will you state to the committee your opinion, based on your experience, of the merits of the Boston park system, in comparison with those of the other cities with which you are familiar, and which you have named?

A. I think its present design and condition is superior to that of any other park system in the country, judging from what I saw to-day.

Q. And what is your opinion concerning the present condition of the Boston parks, as compared with their condition when you visited them four years ago?

A. I consider them much superior to-day. I was impressed by that in a number of places.

Q. Will you kindly point out to the committee, in a general way, what you deem to be the distinguishing merits of the Boston park system as a whole, as compared with those of other park systems with which you are familiar?

A. I think the chief merit that strikes one at first is the connection of the parkways, the connections leading from one park to another around until you reach the city again — the whole connection is so perfect and complete.

Q. Is there any other park system in the country so connected?

A. No other park system in the country anything like so complete.

Q. Any other in the world, so far as your knowledge goes?

A. So far as I know, there is none.

Q. Now, in what respects do you think that the present condition of the Boston parks is superior to that in which you found them four years ago?

A. I think the condition of the trees, the condition of the shrubs, the condition of the plantations and the extent of them, are superior. I think the development of the plan is more complete, more perfect. It has been worked out to a much more extended degree.

Q. Did you make a careful examination of the various plantations in the parks you have named to-day?

A. I did.

Q. Did you notice with care the plantations along the Fens?

A. I did — went through a number of them.

Q. Did you walk into the plantations?

A. Walked into the plantations.

Q. As well as inspecting them from the walks and drives?

A. Went right in among them.

Q. Did you do the same in the other parks you visited?

A. I did.

Q. Did you walk through the woods in the Wilderness of Franklin Park?

A. I did.

Q. Will you state to the committee your impressions or opinions concerning the plantations of the Fens?

A. The plantations of the Fens, to my mind, were, in portions of them, very unsatisfactory — the most so of anything I saw.

Q. Will you explain more in detail what you mean by that statement?

A. Well, the condition of the trees and the condition of the shrubs was this, that they had been crowded to such an extent that they had been very much injured, by reason of being left so long without thinning out.

Q. State what effect that cause had, in your opinion, upon the trees that you saw this morning or afternoon?

A. Well, the effect of that has been, in a number of cases, to very much deform and disfigure and destroy the character of the tree, by crowding it against other trees and preventing its development as it should develop, with a free space all around it.

Q. And what effect has this crowding had upon the shrubs?

A. In many cases it has almost entirely destroyed them, and has injured them very greatly in a large number of cases, so much so that in many cases there is nothing to be done but take out the whole plantation and replant it. To attempt to patch it up will simply lengthen the period that they will decay and look badly.

Q. Was your attention directed to the condition of the pine trees in the Fens?

A. It was.

Q. What do you say of them?

A. I think they are very poor in many cases — crowded so that they have suffered very much indeed.

Q. Did you see any evidence of suffering from any other cause than crowding the other pines?

A. Well, I saw cases where they were not thoroughly healthy, on account of not being in the right place, on account of the exposure they suffered from.

Q. Should you say the Fens was an easy place to grow trees and shrubs in, or otherwise?

A. I should say it was reasonably easy, not especially difficult, if you made choice of the proper varieties that would thrive and do well.

Q. What was the condition of the shrubbery as you found it to-day, with reference to its acting as a screen between the drives and the ride, and so forth?

A. Well, in many cases defective. In some cases it was worked out very well, and in other cases quite defective.

Q. In what particular?

A. Not being thick enough to screen the drives from the walks.

Q. What was the condition of the shrubbery in the defective portions of it, with reference to the density of foliage down to the ground?

A. From being crowded and left so long together, the lower branches had their leaves drop off or fail to develop from year to year, until the foliage was almost entirely confined to the top of the shrub, and the consequence was that it was all open below and prevented a proper growth down to the ground, which is the great charm and value of all shrubs — to have the foliage extend right to the ground.

Q. What is your opinion concerning the proper appearance of a shrub, as distinguished from a tree, in reference to the growth of foliage?

A. Well, it should in every case carry the foliage right to the ground, in order to make it a satisfactory bush.

Q. Is that a well-recognized principle?

A. A well-recognized principle in all planting.

Q. Is it possible to see underneath these plantations?

A. Oh, yes, you can look right through them.

Q. Spaces from twenty to fifty feet wide?

A. Yes, repeatedly.

Q. Is that a correct form for plantations to assume?

A. It is not.

Q. Assuming that those plantations were about fifteen years old, what in your opinion, was the cause of the condition in which you saw them to-day?

A. The cause was, that they were not thinned out several years ago. Probably at least five or six years after they were planted, transplanting should have been commenced, or thinning out should have been commenced, in order to give the remaining shrubs space to develop.

Q. And is it your opinion that, if that had been done, the plantations would present a satisfactory appearance to-day?

A. They would present a thoroughly satisfactory appearance, if that had been followed up.

Q. Will you state to the committee, as briefly as you can, the general theory of planting with reference to the thickness with which the plants are to be set out originally and are to subsequently continue?

A. Well, the theory of planting is that, when you commence to make your plantation, you want to get an effect in a reasonable time, in the course of a year or two, an agreeable effect. Then, by planting your shrubs four, five or six feet apart, as the case may be, and your trees at a greater distance, to give them a chance to develop, the whole thing grows up together and when the crowding commences you watch carefully and, as soon as it commences, you begin to take out shrubs, in order to allow the others to develop; and by that management you can keep a dense undergrowth of shrubs and leave space for the trees to grow up and develop properly, and so carry the whole plantation up to a proper development of each individual plant.

Q. And what is the effect of that policy upon the artistic or scenic appearance of the plantation as a whole, after the expiration of ten or fifteen years?

A. It is the only way to get the real object and intention of the original landscape gardening — the original design.

Q. Was your attention directed to the shrubbery plantations along the Riverway on the Brookline side?

A. Yes, it was.

Q. And what have you to say of them, with reference to the question I have just put to you?

A. Well, I think that they are very much better on the Brookline side than on the other side, from managing them more carefully in this respect. They have been intelligently thinned out and cared for more thoroughly than on the other side.

Q. Did you notice any difference in the general effect or appearance of the shrubbery as a mass?

A. Much superior on the Brookline side — the effect of the general mass was much more satisfactory on the Brookline side than on the other side.

Q. Would this difference of appearance between the Brookline plantations and the plantations of the Fens be apparent to anybody other than a landscape architect or a park superintendent, who should go there and have them pointed out?

A. I think they would, to a certain extent — not as completely, of course.

Q. Is the difference, in your opinion, such as would strike an observer of ordinary intelligence?

A. I think it would, decidedly.

Q. Going about the parks?

A. I think it would, decidedly.

Q. Now in regard to the planting of trees is there any well-recognized practice among landscape gardeners or park superintendents, park managers, in reference to the planting of trees thickly at the outset?

A. It is quite a common practice, and it is the proper practice, to plant somewhat thicker with trees from the beginning, and thin them out, although the proportion must be kept in the same relation that the shrubs are kept. You plant closer with the shrubs, but you also plant them in the same relation to each other as you do the trees. For instance, the trees you plant fifteen or twenty feet apart, when they are to remain thirty feet apart, and thin out the trees from time to time, because otherwise you would not get the effect you wanted with certain kinds of trees. Every tree, every class of tree, has a distinct effect, depending on the distance of setting apart. For instance, birches want to be planted closer than lindens, and so forth; but the proportion between shrubs and trees should be kept up regularly, and they should be taken out from time to time, as the room is needed for the development of the other plants.

Q. What can you say about the practice of setting out nurse trees when plantations are first formed?

A. Well, we do that in many cases, in all cases where we can secure the trees and shrubs — plant the trees and shrubs close together and then form a nursery, and then we can take out great quantities of stuff and use it in other places.

Q. What did you observe along the Riverway after leaving the Fens?

A. I noticed that the Riverway was very much more systematically planted and satisfactorily planted along its shores, that there was less of this unsatisfactory condition of the shrubs than there was in the Fens.

Q. You are referring to the Boston side of the Riverway now?

A. I refer particularly to the other side. Even the Boston side was much better, but the Brookline side was the best, as I have said.

Q. Did you go through Leverett Park?

A. I did.

Q. Was your attention directed to any place in Leverett Park where certain ponds had previously existed and had recently been filled up?

A. It was.

Q. What is your opinion concerning the present appearance of the spot where you were told that these ponds had been filled up?

A. I thought the present appearance was excellent and would give an excellent chance for games and amusements for the public, enabling the public to thereby enjoy ground which would otherwise be occupied with water, which the spot did not suggest. It was not a place where you would naturally place these pools, unless some more reason was given for it. It would seem like forcing the water there. I consider that the present condition is a much more satisfactory one, from a landscape point of view, than it would be if you had the water there, and certainly much safer.

Q. Do you remember the ponds when you were there four years ago?

A. I saw them at that time, yes. I remember them.

Q. What do you say about the present appearance of the spot, as contrasted with its appearance then?

A. I think it is much better now.

Q. Mr. Parsons, if you had in your parks, or in a park under your charge, a stream of water running over a waterfall, which, for some reason, ran dry and failed to exhibit any water during six or eight months of every year, what would you do with it?

A. I should try to devise some arrangement by which I would do away with the effect of the stream and have just

grass or some substitute that would not give me a dry water bed for the eight months in the year.

Q. Do you know of any park in this country or anywhere else which contains a waterfall without any water?

A. I do not.

Q. Or a stream which is dry for eight months in the year?

A. I do not.

Q. Was your attention called to a place where it is proposed to set out water plants, along Ward's Pond?

A. Pardon me?

Q. Was your attention directed to the borders of Ward's Pond and to any arrangement for planting water plants there?

A. No, I don't remember it.

Q. What do you say about the general effect of that portion of Leverett Park which comprises Ward's Pond, now, not confining your attention to the pools which you have already described, but referring to the whole effect of the basin?

A. Oh, I think the effect is very attractive. I think the grading and sloping of those lawns is very attractive. I think it is excellent landscape work.

Q. Have you seen any evidences of any attempt during the past four years, either in Leverett Park or in any other park of the park system you have visited, to introduce artificial features?

A. I have not.

Q. Have you, on the contrary, seen evidences of an attempt to get rid of artificial features?

A. I have seen evidences, in a number of cases, of an endeavor to make it as natural as possible, or more natural than it was before.

Q. And whether, in your opinion, that is correct park policy?

A. It is distinctly correct park policy, to endeavor to keep the parks as natural as possible.

Q. Do you think that that end has been kept in view in the Boston parks in the past three or four years?

A. All I have seen to-day tends directly in that way.

Q. Did you go into the place they call Pine Bank?

A. I did.

Q. What do you say about the appearance of that place? You remember how it looked four years ago?

A. I have an indefinite recollection. I am not very clear in my recollection of Pine Bank.

Q. Then, can you state to the committee your opinion of its general appearance, without attempting to contrast it with what it was?

A. Its general appearance now I consider excellent. The whole arrangement of the grounds there seems to me very attractive. It is kept open and effective, and the hollows are all kept natural, nothing is filled up, and the whole slope and grading seems to me excellent.

Q. Did you go round the west shore of the pond?

A. I did.

Q. Along the road called "Parkman road"?

A. I did.

Q. What is your opinion concerning the appearance of that side of Jamaica Pond?

A. It seemed to me that that was very attractive — the way in which the path wound along there, with the wall at the back, against which planting had been made which effectively shut off the highway there.

Q. Did you find any walk constructed along the water's edge on that side of the pond?

A. Not on that side of the pond.

Q. There is a walk upon the east side?

A. There is.

Q. What is your opinion concerning the utility or desirability of that walk?

A. I think that walk is not as satisfactory there as it would be farther back, if it had been arranged that way in the beginning.

Q. What do you mean by "farther back"?

A. Moved farther away from the water. Running, as it does, close to the water, it seems to me to detract from the effect of the water's edge.

Q. You think it should have been placed farther up the bank?

A. Yes; farther up the bank.

Q. Did you see any evidences of improper trimming of trees along the west shore of Jamaica Pond?

A. I did not.

Q. Did you notice the south shore of the pond, along Pond street, so called?

A. I did.

Q. Do you remember what appearance it presented when you were last here, four years ago?

A. I do not.

Q. Do you remember the wall at that place, at that part of the pond?

A. Four years ago?

Q. Yes.

A. No; I do not.

Q. What do you say, in a general way, concerning the general appearance of the south shore of Jamaica pond? I have reference to the place where planting is now going on?

A. I understand planting is now going on — well, I thought it looked well.

Q. There is no walk there immediately on the water's edge, is there?

A. No; not directly.

Q. Now, passing along to the Arboretum, is there anything there that attracted your attention particularly?

A. Well, there were a great many things that attracted my attention. I thought the way in which the plantations were arranged there for shrubbery and for thinning out was excellent. The thinning was evidently carried on from year to year, and trees or shrubs removed as soon as they were crowded and used at other places. It seemed to me the best system of handling shrubberies I had ever seen anywhere.

Q. Is the Arnold Arboretum a place of any repute, as standing at the top?

A. Well, it stands as the first of arboretums in this country, without question.

Q. I am asking more particularly in reference to its appearance from a scenic standpoint. Has it any reputation in that regard?

A. Very considerable portions of it have — very great.

Q. Would you say that if the gentlemen of this committee desire to see plantations of shrubbery as they ought to appear, they should inspect those in the arboretum?

A. I think so, decidedly.

Q. And, if they wanted to see plantations as they ought not to appear, where would you send them?

A. Well, to a good many places. That is pretty difficult to tell.

Q. Where would you send them in the Boston park system?

A. Well, I think a part of the Back Bay Fens, where you commenced, is about as good an illustration of a bad condition of things as any.

Q. Then, if this committee took a view of the Boston parks, you would like to direct their attention to the shrubbery plantations on the Brookline side of the riverway, and to the shrubbery borders along the drives in the arboretum?

A. Exactly.

Q. As instances of the way in which shrubbery should be planted and kept?

A. I would.

Q. And you would like to direct their attention to the shrubbery in the Back Bay Fens as a terrible instance of what was to be avoided?

A. I would.

Q. Now, passing over to Franklin Park, Mr. Parsons, I wish you would tell the committee your opinion, if you have one, concerning Franklin Park as a whole, and in comparison with other parks of a similar size in this country?

A. It seems to me that Franklin Park is a very remarkable park for its great extent of fine meadow surface, which is a great object. In New York we spend an enormous sum of money in Central Park simply to secure meadows half the size of these meadows, and it seems to me Franklin Park is extremely valuable for its large and open meadow effect. That quality of it, particularly, is very impressive, very fine. Besides, the plantations in the outskirts, and so on, are natural, and are kept well adapted to the contour of the ground, and the whole thing is kept very attractive in every respect.

Q. Did you notice a lawn or meadow that had been recently formed in a place that had once been intended for a "Greeting," so called?

A. I did.

Q. And what is your opinion of the present appearance of that part of the park?

A. I think the present appearance is excellent, and, to my mind, it is a great improvement over anything else that could have been put in there, over anything more artificial in character

Q. Would the Greeting, as originally proposed have been more artificial?

A. Much more artificial and much more contradictory to the contour and suggestion of the grounds.

Q. What else in particular did you observe in Franklin park?

A. Well, I saw some very beautiful plantations in the Glen side, a place called — I don't remember, a place right near the way through —

Q. Ellicottdale?

A. Yes, Ellicottdale, I think, — one of the most charming park spots I ever saw in my life. I don't think there is anything equal to it in New York or Brooklyn, or any place I know of.

Q. How did the appearance of Franklin park impress you, as compared with the park as you saw it four years ago?

A. I thought it was superior. It impressed me very much more than it did then.

Q. How would you compare Franklin park in a general way with Central park in New York, or how would you contrast it, even?

A. Well, I would say that Franklin park was superior to Central park in its meadow effects. Of course, there are other effects in Central park, such as the mall and rock effects, perhaps, that are superior, but, as a whole, I think it very nearly approximates Central park. Of course, I admire Central park very much, having been accustomed to it for so many years.

Q. Let me ask you whether there are boundary walls and plantations around Central park?

A. There are, but not perfect. They are very defective in many cases.

Q. The walls or the plantations?

A. The walls are complete, but the plantations are not perfected.

Q. Is it customary to surround public parks with boundary walls?

A. Yes, it is an accepted principle of all park-making that a wall of some kind shall surround it, the solider the better, and that that wall should be screened with plantations of trees and shrubbery. That is about the most fundamental principle, the first principle to be thought of in building a park — to enclose it with a wall and fringing plantations.

Q. Will you explain to the committee the reason for that?

A. The reason for that is that it gives the park a distinct separation from the rest of the city and prepares it for the use of the public, separating it from the crowded city streets and from all the suggestions of city life, placing the people in a territory that is park-like, is natural, is like the woods and like the fields, removing them entirely from the surrounding city life.

Q. Are there any practical advantages in boundary walls with reference to the care and maintenance of parks?

A. Yes; very considerable.

Q. What are they, Mr. Parsons?

A. Well, that they prevent people walking through everywhere, breaking down trees and shrubs, destroying grass and running over things generally. In a large popula-

tion, such as always occurs in a very crowded district, it is absolutely imperative to protect them in that way.

Q. What is the value of loam in the formation and care of parks?

A. Loam?

Q. Loam, yes.

A. The value is that only in that way can a park be built — by the use of loam — in most cases. It is very rarely that the soil is rich enough in the park to plant trees and shrubs in without the use of loam, and yet secure a reasonably good growth.

Q. Do you have occasion in Central Park to purchase quantities of loam?

A. Probably hundreds of thousands of yards, first and last.

Q. What, in your experience, is the requisite and proper depth for the satisfactory growth of trees?

A. Well, for the satisfactory growth of trees — I dig all the holes for my trees of great size four feet deep, and from ten to twenty feet in diameter, according to the position, filling the holes with mould or loam, which are synonymous words.

Q. (By the CHAIRMAN.) How many feet in circumference?

A. From ten to twenty, according to the circumstances.

Q. (By Mr. MATTHEWS.) In diameter, you say?

A. Yes, in diameter.

Q. Round holes or square holes?

A. Round holes, generally.

Q. What would be the difference in the relative growth of two trees, in your opinion, one of which was to be planted in three feet of loam and the other in six inches of loam?

A. Well, it would be very much greater in the former case. It would depend on the trees somewhat, and would depend on the natural conditions of the soil, but it would be very much greater, without question.

Q. Greater for the tree planted in the deep loam?

A. In the deep soil, yes; and the tree would stand the drought much better if it was dry weather, would grow right on without suffering.

Q. Is there a general consensus of opinion among persons who have to do with the culture of trees and the management of parks concerning the depth at which it is desirable to distribute loam for trees?

A. There is a very reasonable general consensus.

Q. And what is that?

A. Well, in planting trees and making tree holes, a depth of at least three feet is the standard. I never heard of less than three feet of loam being used. Of course, four feet is preferable. I never wanted to use less than four feet, but three feet would be the minimum.

Q. And you say that in Central Park, New York, the practice has been, during your connection with it, to put in loam four feet deep?

A. Four feet deep, always.

Q Do you know what the practice has been in other parks in this country?

A. I know that the practice in several of the other parks is to put in loam to a depth of at least three feet — I wouldn't say in all cases four feet, because I cannot say that, but three feet, I feel quite sure in stating, is a minimum depth.

Q. Did you go into the Wilderness, the 100 acres of wild woods at Franklin Park?

A. I did, yes.

Q. Can you tell the committee as to the condition of those woods, as you observed them?

A. It seems to me that the woods are in very fair condition, as far as the mass of trees is concerned. It seemed to me that they were about the right distance apart, and, in fact, are almost too close now. I saw a number of them that ought to be thinned out considerably, that were crowding each other somewhat; but it gave the idea of reasonably open woods, where the trees had a chance to grow and make a good leafage, for the proper effects of a wood.

Q. Did you see any evidences of improper or excessive trimming?

A. I did not. I saw places that ought to be thinned now, considerably.

Q. But the idea seemed to be to leave that portion of the park in a state of wildness, or otherwise?

A. It gave every appearance of an effort to leave the park in a state of wildness.

Q. Did you see any evidences of any attempt to cut out the undergrowth?

A. I saw no evidences of any attempt to cut out the undergrowth.

Q. Did you see much evidence of the fact that the trees had been cut?

A. I saw a number of cases where stumps showed above the ground here and there, quite distinctly, throughout the place.

Q. You found stumps?

A. I did, yes.

Q. Were there many in comparison with the total number of trees?

A. No, not many.

Q. Can you state to the committee, from your experience, whether or not objection to the cutting of trees and thinning of shrubs is a common experience in park management — that is, an objection on the part of citizens?

A. I have been through a great deal of experience with that in New York, have had many and many a tussle on that subject.

Q. Do you know whether that is a common experience in many places, in park management?

A. I think so. I have heard of it occurring in England, and in quite a number of parks in this country — three or four or half a dozen that I know of.

Q. Mr. Parsons, is there any difference of opinion among experts, whether landscape gardeners or tree culturists, as to the necessity for trimming trees in the manner you have stated?

A. I cannot positively state. I have heard of no difference of opinion.

Q. Are the authorities unanimously agreed upon the subject?

A. They are.

Q. You are familiar with a little pamphlet that was written by Mr. Frederick Law Olmsted on this subject, once?

A. Yes.

Q. Did you have anything to do with it?

A. Yes, I probably gave cause for the pamphlet being written.

Q. State to the committee what the occasion for the preparation of that pamphlet was?

A. Well, the occasion was this. When I took charge of Central Park I found that the trimming out of trees had been much neglected for a number of years, and I made up my mind that something radical must be undertaken; so I went over the plantations and made careful notes on them and made a report to the Board, as to where these plantations should be thinned. On the strength of that report the Park Board ordered me to go on and thin them out. The thinning was very extensive. It produced great heaps of wood all over the place, and the feeling was so great that indignation meetings were gotten up in the neighborhood and the Park Board were called upon to stop this so-called "vandalism." The Park Board, having my report and un-

derstanding thoroughly what it was, were not disposed at first to notice the protests; but still, in view of the fact that citizens should be satisfied reasonably and that every effort should be made to explain to them reasonably the cause for the cutting, a commission was chosen to examine into what work had been done, a commission of experts from different parts of the country. Those experts met, and the result was that they reported distinctly that not half enough trees were cut, and this report of Mr. Olmsted's was the result of that commission's report. He was a member of that commission — he and Mr. Harrison at that time.

Q. I would like to ask you whether Exhibit 129 (referring to the pamphlet in regard to tree cutting, already introduced in evidence) which I now show you, was the pamphlet I have referred to?

A. Yes, that is the document. It was made at that time.

Q. And this is a pamphlet or a report prepared by two of the committee or the commission appointed to look into the matter of the trimming and cutting of trees in Central Park, New York City, at that time?

A. Yes.

Q. And that commission looked into the matter because of the protest against the thinning of trees that you were carrying out in the park?

A. Yes.

Q. What was the result?

A. The result was that the committee reported that the thinning was not carried on half as extensively as it should be. I pursued the thinning out, and have done so for years, systematically. A part of my duties each winter afterwards was to mark trees and thin them out, and I had a corps of men especially kept for that purpose, three or four axe-men, and men who understood taking trees down.

Q. Now, what was the final result of your operations, in that regard, upon the public opinion?

A. The public became perfectly satisfied, and after this report I never knew of a complaint coming to the Commissioners complaining about the cutting of trees. I never knew of it. There may have been things said to them, but they have certainly said nothing to me.

Q. (By the CHAIRMAN.) I understood you to say that Mr. Olmsted was a member of that commission?

A. Mr. Olmsted was a member of that commission, yes.

Q. (By Mr. MATTHEWS.) Mr. Olmsted laid out Central Park, did he not?

A. Yes, he and Mr. Vaux.

Q. Now, what was the effect of that long series of cuttings upon the trees in Central Park?

A. It was very remarkable. There was one instance, I remember, where four very large Norway maples were crowded together badly. They were large trees, as large as your leg or larger, and probably forty or fifty feet high. Out of those four three were taken. That made a considerable gap. But to-day that fourth tree covers as much ground as the whole group covered before, and is a magnificent tree; and if all four of them had remained they would have been destroyed altogether. They were so crowded that it wouldn't have been possible to save any of them.

Q. Is that a fair instance of the benefit to be gained by thinning trees, in your opinion?

A. That is a fair example, I think.

Q. Let me see if I put it correctly. If you find six trees crowded together and you take out two-thirds of them, four of them, in fifteen or twenty years afterwards the remaining two will cover more space than the six did?

A. Yes, sir.

Q. And will be really healthy trees, where the six would have died?

A. Yes, sir.

Q. And when you speak of covering more space, you mean the leaf canopy, the head of the tree?

A. Yes.

Q. Do you know whether that principle also holds good as to the timber in the tree itself?

A. Well, I don't like to say that. I am not prepared to say that.

Q. You have studied this question from the —

A. Landscape point of view.

Q. From the landscape point of view?

A. Yes. From the standpoint of scenic appearance.

Q. Did you notice any attempt, as far as you could observe it, in any part of our park system to create what has been termed by some witnesses in this case an "English park effect," meaning thereby lawn spaces, with scattered, isolated trees upon them?

A. I saw no evidence of that.

Q. What do you say, Mr. Parsons, about the use of exotic trees in eastern New England, or from New York east?

A. I think that, in a large majority of cases, it has been proved to be most satisfactory to use native trees. There are isolated cases where a foreign tree, a Japanese or even

a European specimen tree, can be satisfactorily used — for instance, the Norway maple, — but in a large number of cases, in the case of the large majority of trees, it is an excellent thing to use our native trees. They suit the soil better and suit the climate better, and are altogether more satisfactory. Then, the landscape is treated in the way the woods grow here, which is also an advantage.

Q. Whether, as a general thing, in your opinion, it is better to lay out park plantations in line with the best types of native scenery, or to seek to produce such effects as you find in private parks in England and other countries?

A. I think one of the principles, to my mind, that is most thoroughly accepted, is that in making scenic effects in parks the character of the foliage, the character of the woods and the growth of trees and shrubs, shall partake of a native type, that the native type shall be followed.

Q. Now, whether the Park Commissioners of the city of Boston have followed that type or some other type, in your opinion?

A. I think the Park Commissioners of the city of Boston have followed that type more closely than in any other parks in the country. In fact, I know they have.

Q. Would you say, on the whole, that Franklin Park, in its present condition, is more typical of the scenic effects to be found in New England or in the country than any other park in the United States?

A. I would, most decidedly.

Q. Is that its general repute?

A. That is its general repute. In New York the parks were built earlier, and built at a time when the people had not arrived at the more advanced view, which looks to the employment of native trees, so as to breathe the native character of the scenery.

Q. And I understand you that the modern theory of park development is not only to grow native trees, but to create native effects?

A. Native effects, yes; to study them in the neighborhood and to keep the whole scenery in sympathy with the native scenery about us.

Q. You said the Norway maple was an example of a foreign tree that thrives well in this climate and in our soil?

A. I did.

Q. What do you say about the Norway spruce, so-called?

A. That is a very different instance. It does not thrive in very many places in this country, and it is doubtful whether it is a satisfactory tree to use almost anywhere in this coun-

try. In Central Park there is not a single Norway spruce left that is fit to look at. They are all diseased, unhealthy or destroyed; but the soil is not so good there as in some sections. If the soil is satisfactory, a Norway spruce may last fifteen, twenty, twenty-five or thirty years, possibly, in beauty, but it is not a satisfactory tree in our climate.

Q. In its home it is a fine forest tree?

A. A fine, grand tree.

Q. Have you any Norway spruces in Central Park?

A. Have cut out hundreds and hundreds, I don't know but thousands — certainly hundreds.

Q. And those trees were planted, of course?

A. Planted.

Q. Planted under Mr. Olmsted?

A. Planted under Mr. Olmsted, yes.

Q. What do you say about Irish junipers and Japanese retinosporas, in this climate?

A. They are failures in this climate. Irish junipers, hardly one in a hundred will last five years, and the Japanese retinosporas become diseased and unhealthy in a very few years.

Q. Do you know Mr. Pettigrew, the superintendent of the Boston parks?

A. I do.

Q. How long have you known him?

A. I have known him since 1893 — I think since 1894, the year after the fair at Chicago.

Q. Have you known him as a landscape architect, or as a park superintendent?

A. I have known him as both. I knew him in the Chicago parks, and I knew him in the Brooklyn parks, and in the Milwaukee parks.

Q. What is your opinion of his qualifications for a park superintendent?

A. I think he has had a great deal of experience, and is a very capable man in that direction.

Q. Do you know whether he has any general reputation in that regard, good or bad?

A. I have heard a good many say the same thing, and I think his general reputation is of the highest. I know it is.

Cross-Examination.

Q. (By Mr. LUNDY.) Mr. Parsons, are you testifying here as a paid expert?

A. I am not.

Q. On whose invitation did you come to Boston?

A. I was invited here by Professor Sargent.

Q. When did he invite you?

A. Yesterday, by telegram, or day before yesterday.

Q. And were you acquainted with the fact that an investigation was being conducted here before you received that telegram?

A. I was not.

Q. What time did you spend in the parks to-day?

A. Spent from about 10 o'clock until 6.

Q. Don't you think you have got a remarkably comprehensive idea of our park system in one day's travelling?

A. I do not. I have seen the parks several times before, and have seen them pretty thoroughly, have been driven over them.

Q. The last time you saw our park system was four years ago?

A. No, sir; not the last time. Last fall I saw part of the park system.

Q. I understood that you saw it four years ago?

A. I did, the whole system, but I saw part of it last fall.

Q. What did you see last fall?

A. Several of the city parks — didn't go as far as Franklin Park; saw Charlesbank and several of the smaller parks.

Q. Who accompanied you over the park system to-day?

A. Professor Sargent.

Q. Anybody else?

A. Nobody else.

Q. And your opinion now is that we have the best system in the country?

A. I think you have the best system in the country.

Q. And superior to what it was four years ago?

A. I decidedly think so.

Q. Now, wouldn't you say, Mr. Parsons, that the superiority over the condition four years ago was effected somewhat by the passing of time?

A. Of course it has been effected by the passing of time, but it has also been effected by the treatment of the plantations, and the increasing of plantations. There are a great many other plantations that have been made since I was here, which have also increased the attractive appearance of the parks a good deal.

Q. Now, Professor Sargent directed your attention to particular features in the park system, did he not?

A. He did.

Q. And did Professor Sargent explain his views in this connection?

A. In a great many cases he asked my views. In some cases he gave his views, and in a great many cases I gave mine before he gave his.

Q. Did you find that your minds were in complete union upon most of these ideas?

A. Not on all of these ideas.

Q. Now, Mr. Parsons, did you discover any single defect in our park system while you were going over it to-day?

A. I did in certain places, yes.

Q. Now, do you mind giving us a few of them?

A. I was distinctly impressed with the plantations of yuccas that were made in the neighborhood of the Fens, that seemed to me very unsatisfactory.

Q. And what was your idea about them as to what should be done to remedy that defect?

A. That some of them should be taken out.

Q. Did you understand that any effort had been made recently to thin out there?

A. I did not. I didn't raise the question, didn't ask the question.

Q. You didn't discuss that feature at all with Professor Sargent?

A. Whether things had been taken out?

Q. Yes.

A. Yes, it was spoken of.

Q. Now, some other point that struck you, Mr. Parsons, as not being in harmony with your views of what a park system should be?

A. Well, there were arrangements of rocks I noticed that were not in harmony with my views — rocks placed about here and there that were not, to my mind, in the right places at all, that had better have been away altogether.

Q. Did these rocks appear to mar the natural effect?

A. That was the point.

Q. Of the surrounding country?

A. Gave an unnatural and forced attempt at appearing to be natural, when they didn't look natural — gave the place really an artificial look.

Q. Did you learn under whose direction those rocks were placed in those positions?

A. I did not.

Q. Did you take the trouble to inquire?

A. No, I did not.

Q. Now, something else, Mr. Parsons, was not exactly as it should be, to your mind?

A. Well, it is pretty difficult to follow up a number of cases in that way —

Mr. MATTHEWS. — You understand, Mr. Lundy, that he mentioned several things in direct examination.

Mr. LUNDY. — Defects?

Mr. MATTHEWS. — Yes.

Mr. LUNDY. — He referred to such a mass of beauties that I am afraid I did not hear about the defects.

Mr. MATTHEWS. — I am afraid you were not paying attention. If you had been you would have heard him express an opinion about the walks around Jamaica Pond.

Mr. LUNDY. — Yes, I heard that.

Mr. MATTHEWS. — That is rather an important feature of this investigation.

Q. (By Mr. LUNDY.) Now, the shrubbery was thinned and trimmed to suit your ideas, generally?

A. Generally, yes. More of it should be done, a great deal, I thought.

Q. Have you learned how long this general system of trimming has been going on here? Do you know when they started in to get down to this modern idea most completely in Boston?

A. No, I cannot say when.

Q. You say in the Fens you can look through the plantations?

A. Yes, look through the plantations along the whole line. I looked through the plantations at the Fens.

Q. You say you have had trouble about tree cutting, and that that trouble seems to be general?

A. Very general.

Q. Do you find the same thing in the city of New York to-day? When you go to cut trees, do you have to do it on days when the weather is bad or dark, to avoid public notice?

A. I do not.

Q. Do you know that that is the general system among landscape architects?

A. I do not.

Q. Or gardeners?

A. I do not.

Q. You spoke of there being a most satisfactory plantation along the Riverway?

A. I did.

Q. Do you understand when that plantation was laid out, and by whom?

A. I understand that the whole thing was laid out under Mr. Olmsted, the general system of plantations.

Q. Under Mr. Olmsted?

A. Yes.

Q. So far as you could see and calculate, Mr. Parsons, does our park system at the present time seem to be carried out along lines in harmony with Mr. Olmsted's ideas?

A. I think so. I looked for that very carefully, because I have known Mr. Olmsted's ideas and his plans for a great many years, and I naturally looked for them at once, and I thought all through it was carried out in harmony with the very ideas I have heard him advocate, and that I have read in his reports.

Q. You don't think those ponds in Leverett Park were in a proper position for pools or ponds?

A. If I had that place, I never would put pools there, if I was controlling laying it out.

A. Are you familiar with the original idea according to which these pools were instituted, so to speak?

A. I cannot say that I am. Looking at the ground and seeing the position of it, I think of it as a place where pools should not be placed. I think the sweeping curve of the lawn and an opportunity to have a fine open space there is much better and will be more successful than pools would be.

Q. Then you have not heard that it was at one time contemplated to have an aquarium there?

A. No. I heard that there was some question about the State authorities putting fish in, or something of that sort.

Q. Now, if that idea had been carried out, Mr. Parsons, do you think it would have marred the landscape there?

A. I think it would, most decidedly. I should prefer a great deal not to have the pools put there.

Q. Did you notice any part of the parks where they might properly be put?

A. No. I didn't consider that matter at all.

Q. Do you think a pool is a good thing to keep out of a public park?

A. I think a pool should always go in a park at some point where there is a stream of water, the widening of which or the arrangement of which suggests a pool. I think it is a good thing to have it come in in a perfectly natural fashion. But I don't think the shape of the ground or the course of the stream suggests a pool at that point. A pool should be the development of an existing stream, as a rule.

Q. Well, it should be somewhere where it is practicable to carry it out?

A. Yes.

Q. Well, if it was practicable to have those pools there and to keep them filled, keep them supplied, do you still think it would be a bad idea, as far as the contour of the system goes?

A. I don't think I have expressed my meaning clearly, have expressed myself properly. I don't think you understand my meaning. It is not a question in my mind whether the pools can be supplied, but whether it is evident that there is a stream at that point, the widening or damming of which would make a pool. Of course, you might connect that stream with some hidden water course and lead water in, but it would look artificial. The moment you lead in water from a place that is out of sight, it becomes artificial in appearance.

Q. I get your idea. The location of Pine Bank struck you as being beautiful?

A. Yes; very beautiful.

Q. And around Parkman road the same general condition exists?

A. Yes.

Mr. MATTHEWS. — What same general condition?

Mr. LUNDY. — The same general condition around Parkman road — a beautiful condition, with everything as it should be.

Mr. MATTHEWS. — Oh, yes.

Q. (By Mr. LUNDY.) Do you know of any of our public parks in this country, Mr. Parsons, where they can grow trees — large, fine specimens of trees — in less than three feet of loam?

A. I do not.

Q. This is no new idea, then, — this great depth of loam?

A. No, no new idea at all.

Q. Are you personally familiar with the English parks?

A. I am not.

Q. Now, about those meadow spaces, Mr. Parsons, isn't it rather difficult to spoil a meadow space, when you have got it?

A. Why, it is the easiest thing in the world to spoil a meadow space when you have got it.

Q. And you think this proposed "Greeting" would have done it?

A. I think it would have injured it very much indeed.

Q. Are you at all familiar with the scheme for the Greeting? Do you know what they contemplated carrying out there to complete it?

A. Yes. It was to be for a concourse of carriages — a sort of effect like Rotten Row, with parallel lines of roads where people could drive back and forth, back and forth.

Q. Do you remember reading the plans at the time when they were first put in?

A. I remember reading them, looking them over, at the time.

Q. And do you know whose plan it was to have that?

A. I know they had Mr. Olmsted's plan.

Q. And do you know upon whose suggestion that feature was abandoned?

A. I do not.

Q. Now, there really isn't any fair comparison to be drawn between Central Park in New York, and Franklin Park, is there?

A. There is a fair comparison in regard to the meadows and meadow spaces.

Q. Well, from an artistic standpoint, wouldn't you have to adapt a park like Central Park, located as it is, rather differently from a park like Franklin Park?

A. Undoubtedly.

Q. And don't you think, Mr. Parsons, that where walls, boundary walls, would be necessary and would be a matter of beauty in a park like Central Park, they might be abandoned in a park like Franklin Park?

A. The principle of park-making is the same the world over, and the principle of park-making in any country place or any bit of pleasure ground is to shut it in; and you can only shut a park in satisfactorily by walls, and then mass the walls with shrubbery, in order to give the people the sense of being within an enclosed territory where the people can gather together. It is a sort of broad principle that applies to parks all over the world — in Europe, to Central Park, or to Franklin Park. It becomes more necessary in certain places.

Q. Now, Central Park at the present time is practically in the heart of New York?

A. Yes, sir.

Q. All the city about it?

A. Yes, sir.

Q. You don't find such a condition to exist around Franklin Park, do you?

A. I do not.

Q. There isn't a great deal of traffic to be shut out there?

A. It isn't the shutting out of the traffic that is the principal object.

Q. Well, I mean to get away from the atmosphere of the city. That is it, isn't it?

A. To get the grounds secluded. A country place, were it in the wilds, I should enclose around with plantations, to feel that I was within the plantation, and was isolated — that I was within my own domain; that it was mine, and not someone else's. It is always an agreeable feeling.

Q. Isn't that idea more in sympathy with the idea of a private park than it is with a public park?

A. No, it is in sympathy with every park that belongs to the public or that is private. It is that feeling of being within your own territory, and of being separated from other things that you are not interested in and which may not, perhaps, be agreeable to you.

Q. Isn't it a tendency among landscape gardeners or those who lay out grounds, to dispense with walls at the present time?

A. No; not among landscape gardeners, but among people who do not consider these things in the way that landscape gardeners do. Landscape gardeners are trying all over the country to urge people to enclose their parks, small and large, but in many country places there is a general idea that has grown up within a few years that places should be laid out open all along the highways, or along streets in the cities. That is not sound, from the landscape gardener's point of view, and there will be less and less of it done every year, instead of its growing. Evidences are already apparent that the fashion is passing.

Q. Well, are the landscape gardeners — that is, the foremost landscape gardeners — of this country to-day working in any sympathy of ideas along general lines?

A. They are working in sympathy of ideas, and along general lines, for the reason that within two years they have organized a national society. The members are in accord with all the general principles of their order, and that is distinct evidence of an increasing tendency to agreeing upon the general principles of landscape art.

Q. Now, as to the Wilderness, that struck you as being just what it is called, "a wilderness"?

A. Yes; exactly.

Q. And it is not any special tribute to any landscape gardener or park commissioner that the wilderness has that wild effect, is it?

A. Not that it has the wild effect; no.

Q. About how long did it take that one tree that you spoke about to cover the space formerly occupied by four? How long did that development require?

A. (Hesitating.) I am trying to think back. I should say seven or eight years.

Q. It took about eight years?

A. Yes.

Q. Did you notice any exotic trees in our park system that seemed to be doing fairly well?

A. I noticed Norway maples.

Q. Where were they?

A. I noticed them planted along the drives in several places, and also in the lawns in Franklin Park and other parks.

Q. Did you hear we had some Norway spruces there?

A. I didn't.

Q. You didn't know we had them?

A. I did not.

Q. Do you have any junipers in Central Park?

A. I don't think there is one alive left.

Q. Didn't notice any out here, did you?

A. I noticed some few there.

Q. Where was Mr. Pettigrew stationed when you met him in Chicago? Was he at that time in charge of Lincoln Park?

A. He was at that time in charge of Lincoln Park.

Q. And you have understood that he is favorably considered by all the persons interested in parks in the different cities where he has been located?

A. I understood so. I have heard a number of them testify to it.

Q. Have you heard anybody in Milwaukee testify to that fact?

A. No.

Q. You mentioned Milwaukee there.

A. I had a letter from a member of the parks — a former park commissioner — speaking very well of him; but I didn't see the man. I didn't hear him say anything. I had a letter from him.

Q. Who is that gentleman?

A. I cannot give his name now. I haven't any memorandum about it. He wrote me about a superintendent of parks.

Q. I will show you a couple of photographs, Mr. Parsons, that are in evidence here. This (handing photograph to witness) is Exhibit 98. How does that strike you? It is a photograph of one of the denuded plantations in the Fens.

A. Well —

Q. Anything beautiful about that feature?

A. No, I don't see anything especially beautiful about it.

Q. Or about this one? (Handing Exhibit 96 to witness.)

Mr. MATTHEWS. Those are along the Fens, aren't they?

Mr. LUNDY. Yes.

A. It gives a very indistinct idea of it.

Q. Well, there is that stretch of ground (pointing). Can you imagine that looking any worse when they were planted over?

A. I cannot form any idea.

Q. Well it would tax your imagination to put them in any worse condition than they are there, wouldn't it?

A. Oh, no. It is very difficult to judge anything from those photographs.

Q. Well, here is a comparison. (Handing Exhibits 94 and 95 to witness.) Exhibit 94 shows the plantation near Commonwealth avenue before cutting, and Exhibit 95 after. Would you mind giving your opinion about that?

A. That (pointing) is before cutting and that (pointing) after?

Q. Yes.

Mr. MATTHEWS. — That one is immediately after cutting and before the replanting?

Mr. LUNDY. — That I don't know.

Mr. MATTHEWS. — Wasn't that the testimony?

A. I think that plantation (pointing to Exhibit 94) is in a most deplorable condition.

Q. (By Mr. MATTHEWS.) That is before cutting, isn't it?

A. I don't know what it is. That is in a most deplorable condition.

Q. (By Mr. LUNDY.) And this here, you think, (referring to Exhibit 95) is as it should be, or substantially as it should be?

A. I cannot say as to that. I haven't seen the place.

Mr. MATTHEWS. — Do you think that is just the proper way to put that?

Mr. LUNDY. — Well, pardon me. I perhaps mis-stated that. Supposing this photograph here to represent that place immediately after the cutting — do you remember how long ago it was that that photograph was made, Mr. Matthews?

Mr. MATTHEWS. — As I understood Dr. Barnes' evidence, those photographs were taken after the thinning, about two years ago, so that the second photograph does not show the new plantations and their growth. It only shows the scene immediately after the axe had been applied.

Q. (By Mr. LUNDY.) What do you find in that (referring to Exhibit 94), Mr. Parsons, that is so deplorable?

A. It is crowded all together. The trees are destroying each other.

Q. But isn't the general effect pretty?

A. I don't think any effect is pretty where the trees are in bad health.

Q. You cannot tell from looking at the photograph that they are in bad health?

A. Well, if they are crowded together, they are in bad health. No plantation that ever stood as near together as that could help but show evidences of disfigurement and bad condition.

Q. It certainly does give you an idea of nature, and we should be content with what we have, shouldn't we?

A. It gives you too crowded an idea of nature.

Q. Now, there is that bridge (handing Exhibit 124 to witness) in the condition it was before they remodelled it and took down the balustrade there. What is your opinion of that?

A. I think when that is planted up and graded up, it will be very much more attractive in that condition (pointing to Exhibit 125) than in that (referring to Exhibit 124). I think that broad, artificial-looking balustrade is stiff and formal, compared to that simple way of treating it, and planting shrubs along there.

Q. And that, you think, is what they are going to do with it?

A. I should think so. That is the way I should plant it. I don't know what they are going to do with it, but that is the way that I should plant it.

Q. It isn't a very pretty bridge at best, is it, in either condition?

A. I don't speak as to that. That is a matter of taste. I like the bridge.

Q. You like that bridge?

A. That is a very fair bridge. I do not see that it is a bad bridge.

Q. (By Alderman GERRY.) Do you know what it cost, sir?

A. No, I don't.

Alderman GERRY. — It ought to be. There is stuff enough in it.

The CHAIRMAN. — Any member of the committee desire to ask Mr. Parsons any questions?

Q. (By Alderman GERRY.) Mr. Parsons, you came from New York, I understand?

A. Yes, sir.

Q. And you are a landscape architect and gardener?

A. Yes, sir.

Q. And superintendent, and so on?

A. Yes, sir.

Q. And you belong to various societies?

A. I belong to only two societies.

Q. Well, you belong to a landscape architect society?

A. Yes.

Q. Yes. Well, you came on here especially for the purpose of defending the Park Commissioners and the adviser to them, did you not?

A. I have no knowledge whatever of what I was to come on for.

Q. Well, after you got here you were told?

A. I was told that I was wanted to look at the parks.

Q. You were told why?

A. Yes. I was told why.

Q. And you looked at them with that thing in view?

A. I looked at them as fairly as I possibly could.

Q. Well, now, as a landscape architect, and as a member of those societies that you speak of, I wish to ask you, is it or is it not a principle of the members of those societies, the same as it is with lawyers and the same as it is with physicians, that one landscape architect does not care to criticise another?

A. There is no particular standard at all in our society. We never had occasion —

Q. No particular standard, but you would not have cared to come on and criticise the Park Commissioners, would you?

A. I would, if I was asked to do the fair thing.

Q. You would have come on and criticised them if you had been asked?

A. I would state what I saw.

Q. But you wouldn't like to come on here and criticise them?

A. If I were asked to examine the parks and give my opinion, I should make a report fairly, even if some of it did not agree with the ideas of the landscape architects.

Q. Now, I will put the question another way. If you didn't agree with the policy that was being pursued, would you be happy to come on and criticise your brother landscape architect, or landscape companion, for instance, in the business.

A. I should be sorry to criticise; but if I was asked the question fairly I should have to answer it fairly.

Q. You would be sorry to do it, and so would every other landscape architect, would he not?

A. I think he would.

Q. Would it surprise you if you were told that during this hearing there has not been a single landscape architect of any prominence, great or small, who has appeared at this hearing to give this committee any criticism in regard to the management of the Boston parks? Would that surprise you — even if they had been asked to?

A. No, it would not surprise me.

Q. In other woods, you know that the landscape architects, like other architects, are not coming in here to criticise their fellow architects?

A. They would come in here to answer questions.

Q. Yes, if they are summoned; but they are not coming of their own accord to answer questions and criticise the work and the schemes of another landscape architect. Now isn't that so, in your opinion?

A. All I can say is that if they came here they would expect to answer questions squarely and fairly.

Q. If they came here, they would tell the truth, certainly; but you would not want to come here and criticise the management, would you?

A. I would not want to come here and criticise the management; no.

Q. You would not have come from New York to criticise the management, would you?

A. I would have come here and answered the questions that were put to me.

Q. But you would not like to do it?

A. No. I would not like to do it, of course.

Q. And you are perfectly willing to state that no landscape architect, whether he be in Boston or whether he be in New York, or anywhere else, would wish to come and criticise another brother landscape architect?

A. No, I don't think he would.

Q. In other words, he would keep away from us, wouldn't he, unless he was summoned?

A. He would.

Q. Yes; that is just it. And it doesn't surprise you to know, as I said, that there has not been a single landscape architect in here to criticise the work of the present management? It would not surprise you at all to learn that?

A. No.

Q. That is it, and that is the reason they have not been here. Now, Mr. Parsons, do you believe in natural parks?

A. I do.

Q. You said a good deal about Franklin Park. Was it ever told to you that when Franklin Park came into the park system it was said that there was everything in the way of nature there to make the building of that park less expensive, — for instance, in the way of rocks and other things of that sort, gravel and loam, and all those things?

A. No, it was never told to me.

Q. In other words, that it was a country place out there when that came into the Boston system. That was a natural park, and it was said to be, and in my opinion was one of the most natural parks that I had any knowledge of, and I have seen a few of them. Now, you think that that park, with its big boulders, rocking stones and things of that kind which were up there, things such as you would not see once, perhaps, in a thousand miles, even in this large country — you think that the management of those parks and the way they have been treated has been a proper management, when one feature of that kind after another disappears?

A. What features?

Q. Natural features, which have disappeared?

A. I haven't seen the park away back when they first started to make it. I have only seen it within a few years.

Q. Well, in other words, you couldn't judge?

A. I couldn't judge.

Q. That is what I wanted to bring out. Did you walk through the plantations that you spoke about four years ago?

A. I walked through a great many of them.

Q. And you remember how they looked then and now?

A. Well, I have a general impression and recollection, as one does after four years. I have sufficient to form an idea as to the comparative condition then and now.

Q. Do you believe in nature's way of dealing with trees?

A. I believe in nature's way of dealing with trees, when it is —

Q. How is that? In what way does nature deal with trees?

A. In what way do you mean?

Q. I say, how does nature deal with trees?

A. Well, it helps them grow in various ways.

Q. Yes. What else does she do with them?

A. She acts upon them, and treats them in various ways.

Q. And if they are perfectly healthy — as large around as your limb or your body, for instance, does she cut them down in her way?

A. She doesn't cut them down. That is not her way of treating them; but she kills them. She practically cuts them down.

Q. Does she cut them down when they are as healthy as they would be under the circumstances that I speak of?

A. I don't know what circumstances you speak of.

Q. Well, I mean when they are perfectly healthy, so that when they are cut down the sap will run out of them like the sap out of a sugar maple, — when the shape of the stump and everything else shows the tree to have been in a perfectly healthy condition?

A. She doesn't cut them down; no, She has no axe to cut them with. She kills them very often.

Q. Then, you say that you believe in nature's way of dealing with trees?

A. I don't know what you mean exactly by "nature's way of dealing with trees."

Q. Well, you should know better than I do how nature deals with trees?

A. Well, I know that nature deals with trees by gradually taking care of the best, and the other die out.

Q. Yes, that is very true; but when they are very healthy, she does not cut them down?

A. When they are healthy, she cannot hold them healthy two years if something else should be against them.

Q. What else would be against them?

A. Another tree.

Q. Another tree that is stronger than the one that we are talking about?

A. Not necessarily stronger. It might be a tree that was gradually dying, but the tree might succeed in destroying the other tree.

Q. You know that there are plenty of trees that live together in close proximity for years?

A. I know; but it doesn't follow that the condition is satisfactory for park plantations.

Q. Have you heard how many shrubs have been bought for the Boston parks the last three years?

A. No, I haven't.

Q. Now, you speak about the Riverway, and you speak about having noticed the Brookline side of that way and how much better it looked on the Brookline side than on the Boston side. You said, I believe, that it was thinned out on the Brookline side and it was left solid on the Boston side?

A. I don't think that I said that. I said, I think, that it looked better, simply.

Q. Why did it look better?

A. In some cases from thinning out, and in other cases from planting.

Q. Didn't you notice on the Brookline side that every once in so often there was a space left between the plantations, or between those trees and shrubs — that there was quite a space left — whereas it was on the Boston side so thick that you could not notice the water there at all?

A. No.

Q. Did it give you any notion of a tunnel as you went through it?

A. No, sir.

Q. Were you walking?

A. Yes, sir; I walked all the way through. I had no notion of a tunnel — didn't think of it.

Q. Were you familiar with the pools, as they were called, four years ago?

A. I have an indistinct recollection of them.

Q. You don't say you were very familiar with them?

A. No.

Q. I suppose you have been at the White Mountains?

A. No, I have not.

Q. Have you been anywhere about a mountain?

A. Yes, sir.

Q. You are not familiar with the Saco river or those rivers that come down from the White Mountains?

A. No, I am not familiar with them.

Q. Would it surprise you if I told you that any summer, for instance, there are more rocks visible in the bed of the Saco river than there was water?

A. No, I don't doubt that at all.

Q. What do you think of all this hue and cry and the argument of my friend, brother Matthews, that all these pools and waterfalls, and everything of that kind, had to be destroyed because there was not water there all the time — especially in the summer time, when everything was dry? I guess you would agree with me that that argument was rather a weak one, wouldn't you?

A. We don't want a stream without water in it, at least a majority of the time.

Q. Well, you have the Saco river coming down from the mountains, which during the summer is often nearly dry. We are obliged to have that in a state of nature, are we not?

A. We are not obliged to have a stream unless we want it.

Q. We are obliged to have the Saco river?

A. Not in the parks.

Q. Did you know there was a river, so-called, near those pools?

A. A river, so-called?

Q. Yes?

A. No, I didn't.

Q. Well, there is — the Muddy river.

A. Well, that is not the point. You don't want to make a pool where right through the middle of it there does not run a stream.

Q. Now, speaking about the cutting of trees, would you be surprised if you should find out that under some of the largest trees that are in Franklin Park to-day — I mean those that have been planted, perhaps, twenty, thirty, forty, or even eighty years ago — would you be surprised if you should dig down under those large trees and find that there was not three or four feet of loam put in there by nature?

A. No; it wouldn't surprise me at all.

Q. In other words, it doesn't take three or four feet of loam to grow a big tree, and likewise of shrubs?

A. It takes three or four feet to grow the trees well and in a reasonable time.

Q. Are not there some nice trees that are older than the park system?

A. Yes; but it would not have needed to take half of the time that it has to grow those trees, and they would be better and more symmetrical trees.

Q. They would grow in 18 inches of loam, and be large and beautiful trees, wouldn't they?

A. Yes; but it takes so long a time that it would not be satisfactory, and you will run the risk of very many of them dying. There is very much greater risk of them dying.

Q. You believe in cutting down the old trees, if they are middle-aged, and putting in small trees and forcing them?

A. No; I believe in holding everything you have that is reasonably good.

Q. Do you believe in water in a landscape?

A. I believe in water in a landscape, where it is suggested by the landscape, and where it reasonably occurs.

Q. Don't you know that that is one of the great beauties of Bar Harbor and Mount Desert, that there is water there, and that it is said by some people that water adds materially to the landscape?

A. It does where it comes in properly — where it is its natural place.

Q. Did you see the Parkman place before the changes were made there? You know what I mean by the Francis Parkman place?

A. I have been there when Mr. Francis Parkman lived there.

Q. His place, while he lived there, was not very beautiful, in a landscape gardener's view, was it?

A. Not very. There were some beautiful trees in it.

Q. And his arrangement was rather crude?

A. I don't remember as to that.

Q. He didn't have much taste, in other words?

A. I don't remember as to that.

Q. You don't see anything that would remind you of Mr. Francis Parkman there to-day, do you?

A. I am not prepared to say that. It don't remind me of the place as I saw it.

Q. Did you see a monument there?

A. No.

Q. Did you see a place for one?

A. No.

Q. Was there any plantation that you went over in the Back Bay Fens that is worse than the others?

A. I thought the worst one that I saw was nearest to a building, or to a row of buildings.

Q. Did it strike you that that might be left as a terrible example?

A. No, that didn't strike me at all.

Q. Do you know what the original plan of the "Greeting" was?

A. Well, in a general way. I don't remember exactly. I saw it at the time. I know that it covered, or extended all across, the green in a series of straight, parallel roads.

Q. That thing has been completely changed from Professor Olmsted's plan?

A. According to my information; yes.

Q. Do you wish to criticise Professor Olmsted's opinion in that matter?

A. Oh, it is perfectly reasonable for people to differ in opinion. I certainly differ as to the advisability of that.

Q. You say it is perfectly reasonable for people to differ. I am very glad to hear you say that, because some people think that it is a crime for anyone else to disagree with them. I am very glad that you came from New York to tell us that. That is worth your coming. Now, you speak of

Ellicottdale and its arrangement. Do you know that the present Park Commission had nothing to do with that, or the present adviser?

A. No.

Q. That struck you as being a beautiful place?

A. Yes, sir.

Q. It is one of the most beautiful places in the parks, I think, myself.

A. Undoubtedly.

Q. Now, honestly, Mr. Parsons, do you think — in the first place, let me ask you one question; is not Central Park largely what you call a built park?

A. Yes, it is.

Q. Now, if my impression or remembrance of Central Park is correct, when I first saw that, years ago, it consisted largely of tin cans and goats.

A. There may have been a time in the stage of construction when it was something like that.

Q. In other words, Central Park is an artificial park?

A. A large part of it is. The meadows are not.

Q. And you, and no other landscape architect, can come to Boston and say that Franklin Park is an artificial park in any of its parts?

A. Yes, in parts of it.

Q. Parts of it are artificial?

A. Yes. Every park must be more or less artificial.

Q. They are artificial now — I agree with that.

A. No park can be built without making it more or less artificial.

Q. We understand that, and that roads and such things must be artificial; but you would not compare a natural forest or a natural country-side, with its fields and meadows, and its management and its present looks, or anything of that kind, with an artificial park where they had to dump in and fill up, like the Back Bay Fens? If you had compared the Fens with your Central Park, I think you would have got nearer to it, as Mr. Lundy has said. Now, I would like to ask you one question. Wasn't Mr. Lundy's question about a city park and its walls correct when he asked you and you acknowledged that the use of the wall was to shut out the city life of New York, which has surrounded that park? Weren't those walls put there to shut out the people and the city life — that is, those living around that park?

A. Yes, sir; and walls are in every case put in to shut out that life. They are always put in for that reason.

Q. Is there any comparison between the condition of Central Park and its surroundings and environments, or can there ever be, considering the condition of Franklin Park, more particularly — is there any comparison between Central Park and Franklin Park, or is there any reason for believing that Franklin Park in fifty years will be surrounded as Central Park is? Can Franklin Park, in other words, be surrounded as the Central Park is?

A. I cannot speak as to that.

Q. You know that that is a country park and that Central Park is a city park?

A. Yes; but I know that a country park needs walls as much as a city park, exactly.

Q. In other words, you belong to that school of landscape architects who are building up artificial parks, aping the English style, or the style of the English gentleman?

A. I can only show you various authorities, and I can show you a consensus of opinion in favor of the building of walls.

Q. You belong to that school?

A. I don't — because that "school" covers all landscape architects.

Q. You pretend to say that every landscape architect believes in that way of doing?

A. Very largely — all that I ever met.

Q. Well, you never met them all?

A. I don't say that I have met them all. It is impossible to do that.

Q. Do you plant large trees? You told about how you dig the big holes, etc., and so on, when you have a large tree. Do you plant many large trees?

A. I have endeavored not to plant any trees over three inches in diameter.

Q. Then, you don't plant any large trees?

A. Some.

Q. You do some?

A. Yes.

Q. But not as a rule?

A. As a rule I don't plant large trees.

Q. Do you understand what that Wilderness up in Franklin Park meant when it was named a Wilderness?

A. Well, a wild, woodland territory, as I understand it.

Q. It is a wilderness, now, is it?

A. I should say so.

Q. It is a wilderness compared with Central Park?

A. Compared to most parts of Central Park. There are

portions of Central Park more wild than anything that you have in your parks.

Q. Where is that?

A. Well, if you will go to 106th street, or between 106th and 110th streets, up on the hill where the block-house is, you will find native trees and the ground strewn with leaves, and as wild a territory as you wish.

Q. Well, I will go there—I am very much obliged to you for the information—the next time I go on. You think I am not correct, then, when I say that you belong to one class of architects that believes in doing just what you praise in the Boston parks?

A. I know that all the landscape architects I have ever met have always held that view. I have seen a great many.

Q. Do you take out trees that are not crowding each other?

A. No, not when they are not crowding each other—unless they are dead, or something wrong with them.

Q. You went to the Arnold Arboretum to-day?

A. Yes.

Q. Do you know where Thomas Motley lived there?

A. No, I do not.

Q. If you had a fine lot of exotic trees, if you found them on a farm in Central Park, in New York, when that farm was bought for the Central Park, would you have cut them out?

A. It depends on what kind of exotics they were. If they were bad trees, trees that would not live, I would cut them out.

Q. I mean if they were good trees?

A. Well, if they were trees that would not live, — I would not want to take Irish junipers, no matter how well they are. I would not want to take many other things that do not thrive in this climate. I would not want to keep them at all.

Q. Isn't your idea of enclosing the parks, the seclusion idea, the English notion; isn't that distinctly an aristocratic idea?

A. No, I should not favor putting any walls such as would shut these things out altogether. I should put in walls of a reasonable height, to suggest that they are enclosed, and so that boys could not rush in, and so on; and I would put trees and shrubs along the wall in such a way that you could get a glimpse through. You should have a certain amount of view in and out, but a sense of seclusion, a sense of owning the territory that the people are walking in — that they are in a territory of their own.

Q. You think that is a democratic notion?

A. I think that is thoroughly a democratic notion.

Q. You think that the people of the city should be willing to pay for that sort of thing?

A. I think so, distinctly. There should be a sense of not being bothered by the people outside.

Q. I suppose you have a convention of the landscape architects, or some meeting of that kind?

A. We meet frequently.

Q. Is there any discussion there?

A. Yes, frequently discussion and difference of opinion.

Q. I suppose they all agree that the same thing is right?

A. No, not by any means.

Q. That is it. I suppose that if I should happen to go to the next one that possibly I might hear some gentleman, even a most distinguished landscape authority, even criticising the Boston park management, might I not?

A. I think you would hear remarks about each other's work. Our work is brought up at each meeting, and something is said about each other, frequently criticising it.

Q. (By the CHAIRMAN.) Mr. Parsons, are you competent to qualify as an expert on trees?

A. I have frequently acted in that way.

Q. Will you please examine that piece of tree (handing Exhibit 100 to witness) and tell this committee whether or not that tree had grown under favorable or unfavorable conditions?

A. I should think it was a native tree, growing on rather shallow soil, although I cannot tell. It is in such condition that I cannot very well tell what the tree is. I should not be willing to testify about that, seeing such a small section of it that way.

Q. Would you please give the committee an idea of the age of that tree?

A. No, I couldn't. I should have to examine those rings very thoroughly. I would not undertake to calculate the age of that tree.

Q. Would you give any kind of an idea?

A. Sometimes a tree of that size may be twice as old as a tree of a great deal larger size. I would not want to testify upon the age of the thing by looking at that.

Q. But would you say that it was grown under favorable or unfavorable conditions?

Mr. MATTHEWS. — I thought the witness said that it was grown under unfavorable conditions.

Q. I understood you to say that you could not judge from that piece of wood?

A. No, I wouldn't judge from a section, that way.

Q. In other words, you would not say whether its condition was a good one or a bad one. And you would not venture to say the age of it?

A. No.

Q. Will you please take and examine that piece of tree (handing Exhibit 101 to witness). What would you say about the condition of the growth of that?

A. I should think that tree was grown much more freely and vigorously than the other one. The rings are very much farther apart.

Q. Would you say what the age of that tree is?

A. No.

Q. How do you determine the age of a tree?

A. By measuring the rings, but it is a very fine thing to do.

Q. Are not the rings on that very distinct?

A. Very marked.

Q. Cannot you tell the age of it?

A. Well, I should say it was about (counting) — I should say it was about twenty years old. I cannot tell. It is impossible to form a reliable idea. Rings are very deceptive.

Q. What kind of a tree is that?

A. Oak, I should say.

Q. What kind of wood did you say that was?

A. Oak, I should say.

Q. And the underneath one, the smaller tree (referring to Exhibit 100), what kind of wood is that?

A. I shouldn't want to say. This (referring to Exhibit 101) is an oak.

Q. But you wouldn't want to say about the wood in the other?

A. No.

Q. Will you please take that one (handing Exhibit 117 to witness)? Please tell us what condition that grew under?

A. That has grown pretty vigorously, I should think, from the size of the rings.

Q. Would you tell us about the age of that?

A. No, I wouldn't want to decide upon the age of that. It is a pretty difficult matter to do that. The rings are deceptive.

Q. You said something about walls. Now, I want to ask you about that. In your park in New York, the walls are retaining walls, are they not?

A. No, they go about three feet above the ground around the park. A portion is a retaining wall; but from the level

of the sidewalk outside, the wall rises three and one-half feet around the entire park. Those walls have only been finished within two or three years — or five years, at the most. All of the upper part of the park had retaining walls; but within the last five or six years the upper portion of the walls has been built around the upper portion of the park. They undoubtedly had the appearance of retaining walls, but the wall itself is three and one-half feet high.

Q. On a park which is not filled, and which requires no retaining wall, what, in your opinion, would be the best boundary? Wouldn't a small curbing be as nice as a four-foot wall around that?

A. I don't think so, because I do not think you could plant shrubbery against it and have it look well. You want the sense of enclosure, and the curbing doesn't give you the sense of enclosure. You don't want too complete an enclosure, but you want it marked out. You want to have it marked out and have it indicated that that is your territory.

Re-direct Examination.

Q. (By Mr. MATTHEWS.) Just one or two questions. Can you see the rings in that first specimen of a tree (referring to Exhibit 100) without a magnifying glass?

A. No; I can't see them distinctly enough to count them.

Q. How about the rings on the second specimen (referring to Exhibit 101) that you said was twenty years old, you thought? They are distinct?

A. Yes, they are distinct.

Q. Did you ever see any of those specimens before?

A. No.

Q. What tree is that (referring to Exhibit 101)?

A. I thought that was an oak.

Q. And the first one (referring to Exhibit 100)?

A. I don't feel confident and sure about that.

Q. You said this one (handing Exhibit 117 to witness) was an oak, too?

A. No, I didn't speak of that as any kind.

Q. When was Central Park first laid out?

A. In 1857 the plan was adopted, and they went to work in a year after that.

Q. Was that in the middle of New York City at that time?

A. No; it was away uptown.

Q. Was that as much in the country as Franklin Park is now?

A. Yes, I think fully as much.

Q. Do you know any other parks besides the Boston parks that are surrounded by boundary walls?

A. Yes.

Q. Just mention some?

A. Well, they are the smaller parks. There are no parks that I remember as large as Central Park surrounded entirely by boundary walls. They have portions of them surrounded, but not finished.

Q. Are you familiar with Drury Park in Baltimore?

A. I have seen it, about ten or twelve or fifteen years ago.

Q. Is there a fence around that?

A. There was a fence around a portion, but I cannot say that it was all around.

Q. That is a park larger than Franklin Park, isn't it?

A. Yes, I think it is. It is a very large park.

Q. You said that the upper part of Central Park contained a fine tree growth?

A. Fine tree growth — wild, natural woods.

Q. Those were not planted?

A. Not planted at all.

Q. And how does that compare with the wooded portions of Franklin Park?

A. It is more densely wooded than anything that I saw in Franklin Park to-day.

Q. You said something about Rotten Row and the idea of making the "Greeting" similar to that. Where is that?

A. In London.

Q. And what is it?

A. It is a portion — well, it is related to Hyde Park. I cannot speak decidedly about it, because I have not been there. It is a straight drive, where the people ride back and forth for a certain distance.

Q. And you would say that the original idea of the "Greeting" was distinctly English, wouldn't you?

A. Yes.

Q. You were asked by Mr. Lundy if you could mention any other features of the park that you thought were open to criticism. I would like to call your attention to the stone steps in Franklin Park, below the Wilderness. Have you noticed them at any time?

A. Franklin Park, by the overlook?

Q. The stone steps where they lead down from the Wilderness.

A. Oh, distinctly.

Q. What is your feeling about that?

A. I spoke about that, that there ought to be a lot of planting brought up. My idea would be to do away with the steps as much as possible, and to plant heavily so as to shut out the road, which was not agreeable to see from that point.

Q. What do you say about buildings in Franklin Park?

A. Well, I am not attracted by some of the buildings. I think there are too many there.

Q. Did you happen to observe the Refectory, so-called?

A. Yes, I saw all of them.

Q. What do you think of that?

A. I think the Refectory is too large, and not suited to that territory. It seemed to me that there was not the demand for that kind of a building there. Our buildings in Central Park are very much smaller, and our demands are immense.

Q. You were asked by Alderman Gerry with reference to what he termed an "English school of landscape architects." Do you understand there is such a branch?

A. I don't know of such a distinction.

Q. You don't understand there is any such branch in this country?

A. I don't know of such a distinction.

Q. Did you ever hear of it?

A. Not at all; and my partner, who studied his profession for six years in England, under an English landscape architect, has nothing distinctive about his ideas, any more than my ideas. He was educated there for six years.

Q. I understood you to say that your theory of park plants and planting was to bring the surface of the land into a condition that approximated as closely as possible the best type of existing natural scenery in the neighborhood?

A. Exactly.

Q. That is, in other words, to have Franklin Park resemble New England scenery?

A. Yes.

Q. And do you think that has been fairly well secured?

A. I think it has fairly well — that effect.

Mr. MATTHEWS. — I think that is all. If there are no further questions I will ask Professor Sargent to take the stand.

The CHAIRMAN. — I thought you were to put Mr. Pettigrew on.

Mr. MATTHEWS. — Well, I will put Mr. Sargent on if it is equally agreeable.

TESTIMONY OF PROFESSOR CHARLES SPRAGUE SARGENT.

Q. (By Mr. MATTHEWS.) Mr. Sargent, what is your full name?

A. Charles Sprague Sargent.

Q. And what occupation or profession do you follow?

A. I am a student of trees.

Q. Are you connected with Harvard University?

A. I am director of the Arnold Arboretum, which is a part of Harvard College, and a professor in the university.

Q. How long have you been connected with the Arboretum?

A. About twenty-five years, I think.

Q. How long have you been a professor in the university?

A. I think since 1874 — I don't remember dates very well.

Q. You have been a writer on the subject?

A. Yes, sir.

Q. You have written on the flora of this country?

A. I have written an account of the trees of this country.

Q. Have you acted at various times in an advisory capacity to different park departments?

A. I have been invited several times to give advice about trees in the New York parks, both at the time when Mr. Paul Dana was chairman and when Mr. Stiles was chairman; and I served on a commission which made a report on the trees in Prospect Park, in Brooklyn.

Q. Have you written about parks?

A. Only incidentally, in the newspapers.

Q. Have you ever had anything to do with the Centennial Fair Grounds in Chicago?

A. I was invited by Mr. Olmsted to go out there, just before the exposition opened, to try to smooth down some difficulties he had there with his subordinates. Of course, he consulted me about the location of the plantations and the buildings before the plan was made.

Q. Consulted you about the trees and the plantations around the buildings?

A. Yes.

Q. Whether you have co-operated with him in other undertakings?

A. Well, I don't know whether you would call it co-operating. He was in the habit of consulting me. We were neighbors and very intimate friends. I saw him almost every day for 30 years.

Q. Have you ever had anything to do with the parks in the town of Brookline?

A. I have been Park Commissioner.

Q. Yes — for how long?

A. Ever since they have had a Commission, I think.

Q. Ever since they have had a Commission?

A. Yes.

Q. What do you say generally of Mr. Olmsted's connection with Boston parks and his services?

A. I think that Mr. Olmsted deserves well. He has laid out what I think is the finest park system of any of our park systems. I consider that the park system of Boston, as he has laid it out, is the most comprehensive and the most intelligent.

Q. And are you familiar with the park systems in general throughout this country?

A. Yes, sir.

Q. Seen most of them?

A. I think so; yes.

Q. Seen many in Europe?

A. Seen them all, I think; yes.

Q. What would you say generally about the Boston park system, as compared with others that you have seen?

A. The system, as a scheme, designed for the convenience of the public, and also with respect to the connection of the parks, is far superior to anything either in the United States or Europe. There are parks in Europe, and perhaps some in America, where there are finer trees and plantations, and where there are, perhaps, better laid-out roads; but, as a whole, there is nothing like it in the world.

Q. To whom would you attribute the credit for that?

A. Mr. Olmsted, entirely.

Q. Has there ever been any difference of opinion between Mr. Olmsted and you as to the treatment of trees and the management of parks?

A. Never.

Q. Has anything ever been done on the Boston parks since your connection with the department in derogation of his ideas?

A. No. I don't know what you mean by "connection with the department." I have had no connection with the department. The Commissioners occasionally do me the honor of asking my advice.

Q. You are not connected with the department in any official capacity?

A. No.

Q. I understand that Mr. Olmsted has ceased to be connected with the department?

A. Yes, sir. He is an invalid.

Q. Was he in the habit of consulting you about the Boston parks?

A. We talked it over a great deal; yes.

Q. And since his retirement from active practice, you have advised the Park Commissioners of Boston occasionally?

A. Yes.

Q. And now, my question is whether there has been anything done, speaking generally, in reference to the management of the trees and shrubs of the Boston parks in the past three or four years, in derogation of the principles of that branch of his art that you understood him to hold?

A. No, only I think things have been neglected which he would have liked to have had done, and which I would have liked to have had done.

Q. But you know nothing that has been done in derogation of his ideas as you understood them?

A. Nothing.

Q. Taking up the park system in detail, Mr. Sargent, and beginning at the other end, beginning at Franklin Park end, what do you say about the woods in the Wilderness — their history, so far as you know it, and their present condition?

A. Well, the Wilderness is very poor soil. It is a rocky ledge. The trees have been neglected for — well, always, I guess. The trees are full of dead wood. They are in a disgraceful condition for the city of Boston to have any trees in. They are in an especially crowded condition. There has been a little cut out there — a very little. It is about time to cut them over again.

Q. Has there many trees been cut out in the Wilderness in proportion to the whole number?

A. Very likely one per cent. — I could not say offhand.

Q. Have the stumps been left?

A. So far as I know. There are lots of them now.

Q. If the committee went through the Wilderness, they could see all the trees that were cut out?

A. Yes, if they were industrious.

Q. Would they find it hard work to find them?

A. Yes. Mr. Parsons and I did, to-day.

Q. You want to be understood as saying that there has been no particular thinning of trees there?

A. No excessive thinning. Diseased, dead and misshapen trees, and trees that have been injuring better trees

have been cut out. There has not been a good tree cut down in the Wilderness.

Q. You want the committee to understand that it is your opinion, based upon all of your experience of the subject, that there has not been a single good tree cut down in the Wilderness in Franklin Park?

A. No, sir; or in Franklin Park.

Q. In any part of Franklin Park?

A. Not to my knowledge. That is, by a "good" tree I mean a tree that was not injuring a better tree.

Q. What has been the general effort of the Commission, so far as you know it, in the treatment of Franklin Park and in the general improvements made?

A. It has been to make Franklin Park, in the last three or four years, since Mr. Pettigrew has been superintendent, a piece of representative New England scenery, and to so manage it as to reduce the cost of maintenance to the lowest possible amount, and to make the park, instead of a park for the aristocrats, which we have heard a great deal about, a park for the public — a park where children could go and play, and where their mothers could have picnics.

Q. There has been some talk about the abandonment of the plan for a "Greeting." Will you tell us what that was and why it was abandoned?

A. Well, it was a scheme for the benefit of people in carriages. It occupied quite a beautiful piece of natural scenery, which has been made available for children's playgrounds and for picnics, and for the enjoyment of the public — the public that goes out there to that park either on foot or in the electric cars. That is, those who do not drive out there.

Q. Whether a relatively large amount of wagon space has not already been provided for those who use carriages?

A. Those who use carriages live about seven miles from the proposed "Greeting," so that they would have to drive, in going to and coming from the "Greeting," say, from Arlington street, about fourteen miles.

Q. Whether there is practically any public use that can be made of the Back Bay Fens and the Riverway and the Parkway, except by those who drive in carriages or ride horses or bicycles?

A. Only that a few people can walk out there. There is a beautiful walk on each side of the Riverway — a beautiful, secluded, charming walk.

Q. And is there any opportunity for a playground from Beacon street clear out to Franklin Park?

A. There is not a foot of playground from the Common to Franklin Park at present, except in Brookline.

Q. Now to come back to my question, Mr. Sargent, whether or not in your opinion there has been a larger provision already made in the park system of Boston for carriage people — I mean, relatively to the space devoted to those who can see the parks only on foot?

A. Certainly, the proportion in Boston is very much larger than it is in any other American city because you have the enormous parkway, which does not exist in any other city. In our American cities, the parks are isolated parks. The parks may be on opposite sides of the town, without any connection. Here, they have one combined system. You can start at Arlington street and continue driving until you bring up in South Boston, and remain in the park system all the time.

Q. And there has been enough done for the carriages, in your opinion?

A. Yes.

Q. And that is the reason for the abolition of the "Greeting?"

A. Yes; and economy. You save a couple hundred thousand dollars by giving it up.

Q. Has there been any attempt in Franklin Park to create that which has been called by some witnesses "typical English park scenery?"

A. I don't know what they mean by that.

Q. I have endeavored to ascertain myself. I think they mean isolated trees, growing far apart.

A. There are two very excellent instances of that—the Playstead and this Ellicottdale. It is one of the loveliest things in any park in the world.

Q. Those were both planned by Mr. Olmsted?

A. Yes, sir; and executed by him.

Q. Whether there has been any attempt to reproduce those, or to introduce similar features?

A. Well, in this place where the "Greeting" was taken out. This is a large meadow; but there are no isolated trees in the meadow.

Q. Well, with the exception of the two instances you have mentioned, there are no other portions of Franklin Park that could be called English park scenery, in the sense that I have defined it?

A. No. There are the golf grounds, which is an open hill. I have seen effects like that in German parks.

Q. Has there been any effort to make the Wilderness a tract of that character?

A. Not by this present Commission. They have done no work there except to cut out perhaps one per cent. of the trees. They have built no walks nor done anything there except to cut out a few trees.

Q. Has there been any attempt to destroy the natural wildness of the scenery in the Wilderness?

A. Not a thing.

Q. Has there been any effort to take out the straggling trees and to destroy the wild appearance of that part of the park, for the purpose of growing isolated specimen trees, as you have done in the Arboretum?

A. No.

Q. And is there, so far as you know, any purpose on the part of the Commission or of yourself to do anything of that sort?

A. It is not my purpose, and I should object very strenuously if I thought the Commission were going to do it.

Q. What would you think should be done to the Wilderness?

A. Well, in the first place, I should cut all the deadwood out of the trees to prolong their lives. The decay of the branch follows down into the trunk of the tree, and the result is that the tree decays and blows over. It is hollow. I should do that first. Then, if the Commission could afford it, I should put a great deal of soil there in places. There are some exotic shrubs and herbaceous plants there. I should like to take those out and restore the Wilderness to a state of nature — the condition that it was in perhaps 50 or 100 years ago. There never was good wood there, you know, because there is no soil.

Q. That is the reason you would like to have loam spread there?

A. I would; yes.

Q. You heard Mr. Parsons' testimony about the use of loam and its value?

A. Yes.

Q. Without asking you to go over the same ground in detail, what do you say as to his testimony?

A. Well, I think loam is a pretty good thing to have in the family, if you are interested in trees. The tallest oak trees in the United States grow in the bottoms of Southern Illinois and Indiana, where there is perhaps 16 and 18 and 20 feet of loam.

Q. There is nothing of that kind in New England?

A. No, but the best ground in New England is on the river bottoms — in Lancaster, for instance. That is lovely soil, which has been washed in.

Q. Do you believe that eighteen inches of loam are sufficient for the growth of any tree?

A. Yes, for a few years. It will grow a very good tree for ten or twenty years.

Q. What then?

A. Then, the tree will begin to perish. You will not have a big tree or an old tree. I advocate the free use of loam on the ground of economy. If a tree is planted in good, deep loam, it is a healthy tree. It is not attacked by insects or by disease nearly so often as it would be if it did not have good, deep loam; and if it is attacked, it throws off the attack, and it doesn't get dead wood in it. It is a very expensive thing to cut the dead wood out. If you want to manage a piece of wood economically, get a good body of loam and plant trees in it.

Q. And I understand you that the idea of pruning off the dead limbs is not to interfere with the operations of nature, but to repair or improve the health of the tree?

A. To save the life of the tree.

Q. Otherwise the rotten follows down?

A. It follows down the stem, into the trunk.

Q. And in the end the tree rots?

A. The tree rots, and it blows down or breaks off.

Q. Now, questions have been been asked and statements have been made tending to show that trees are found, even in this part of New England, growing to a good height and size in from a foot to eighteen inches of loam — growing in a state of nature?

A. Well, I would like to see them.

Q. What do you say as to that?

A. I should like to know what the condition of the subsoil was, where the roots got the water, and what kind of trees they were. You cannot generalize about these things. Every tree grows differently under different circumstances.

Q. Well, isn't this true at any rate, that if you find trees growing well in from twelve to eighteen inches of loam, they would grow better in deeper loam?

A. Yes, I am satisfied of that.

Q. And quicker?

A. The first few years they might not, but they would after a few years, and they would grow very much longer. Trees die of starvation, and not of old age.

Q. Trees in the forest?

A. Everywhere.

Q. That is, if you give a tree enough food, it will live practically indefinitely?

A. If it isn't killed accidentally — if it is not burned, or struck by lightning, or torn up by a tornado. It renews itself every year, and the entire inside of the tree might disappear entirely. That middle part of the tree only serves to keep the tree from blowing over. In one of these sections the live part of the tree is perhaps one-eighth of an inch thick.

Q. Which is the sap-wood in Exhibit 100, for instance?

A. Well, the sap-wood is so thin you can hardly see it. It is the outside ring — perhaps one-thirty-second of an inch thick.

Q. And inside of that is the hard wood?

A. Yes, which serves the purposes of preventing the tree from blowing over.

Q. The life and vitality of the tree is really contained in this sap-wood, and really depends upon the amount of nourishment furnished to the tree?

A. Yes, and if a tree does not meet with an accident, I don't know why it should not live for a very long period. Of course, you take a tree, and in the course of 500 years it is very apt to be struck by lightning or torn up by a tornado or cut down by some ignorant park superintendent. There are lots of things that might happen to it.

Q. But if no accident happened, you would say that the life of a tree might be prolonged indefinitely?

A. Yes. A white oak might live 500 years here if it had plenty of soil.

Q. Are there any trees of that age?

A. I fancy there are trees 500 years old in the parks of Europe. Of course, the saguaro in California are the oldest ones that we know anything about. They are about 4,000 years old.

Q. Is that the redwood or the giant tree?

A. The giant tree.

Q. The big tree?

A. The big tree.

Q. Good soil?

A. Yes. That is old, decayed lava. It is splendid soil.

Q. What is the depth of it?

A. I suppose two or three hundred feet, perhaps. I never measured it.

Q. That accounts for the age of the tree?

A. Yes, and the vast amount of snowfall. There is about 60 feet of snowfall every winter.

Q. What effect has that?

A. It supplies the tree with moisture. Of course if you have plenty of moisture, you don't need so much soil. This soil acts as a mulch.

Q. We have very dry summers here?

A. Yes. In Japan it rains every day in summer.

Q. Is there any greater necessity for loam in the vicinity of Boston than in other parts of the country?

A. There is naturally less of it here.

Q. And is there any greater necessity for it?

A. Well, it is much dryer here than it is farther east. We have more moisture than they have to the westward.

Q. Less than on the Pacific slope?

A. Up in the mountains where the saguaro grow they have very little summer rain, but they have this enormous snowfall in winter.

Q. And it is held in the soil?

A. Yes, in the forest floor, which is very dense and thick.

Q. You don't believe in skimping on loam in park plantations?

A. Not if you want to manage your parks economically.

Q. Do you know what the depth of loam was in Mr. Olmsted's constructions along the banks of the Fens?

A. I think about two feet; but under that loam in a great many places was mud, dredged out — peaty mud. I know we did that on the Brookline side, and on top of that we put two feet of loam. That was excellent loam, brought down from the Sudbury basin.

Q. Superior quality?

A. Excellent quality.

Q. Will you explain to the committee your theory of boundary walls?

A. Well, my theory about that is that the parks, in the first place, are built for the people who go in them — not for the people who live outside and want to look into them. They are built for the people in the city. The first thing to do in a park is to have a substantial boundary plantation, and the wall is built to protect the boundary plantation, and to prevent people from running in, except at stated places which can be guarded and looked after. In London, for example, they have an open iron fence like this one on the Common, but about 15 or 18 feet high.

Q. What, in your opinion, is the relative value of stone and iron fences?

A. Well, stone fences are much more economical, because they don't require any repairing, and shrubs can hang over

them, and vines can be trained over them; and it is the most rural looking fence.

Q. Then, you advocate the use of boundary walls from the standpoint of the great masses of the public after they get into the parks?

A. The parks are built for the benefit of the people who use them, and not for the people who want to live outside and look into them.

Q. Not for the abutters?

A. No. I am an abutter on Jamaica Park, too. The Commission has gone to work and built a high wall beside me, and not only that, but they propose to charge me betterments.

Q. But, notwithstanding that you occupy that position near Jamiaca Park, and notwithstanding that they built a wall between your estate and the park, you don't object?

A. I haven't objected; no.

Q. Is it common practice to surround our large American parks with boundary walls?

A. Lincoln Park, in Chicago, has no boundary wall. The others have them.

Q. The other Chicago parks?

A. The other parks in America.

Q. How about Drury Park?

A. They have a high board fence, about 15 feet high, in places.

Q. Is it generally surrounded by some kind of walls?

A. Yes.

Q. And I understand that Central Park has a boundary wall?

A. Yes.

Q. And the other parks have?

A. Prospect Park, the park in New Orleans, in San Francisco, in Buffalo — the only park besides Lincoln Park that I know of that hasn't is Belle Isle Park, which is in the centre of Detroit river.

Q. The Belle Isle Park occupies an island in Detroit river, doesn't it?

A. Yes, sir.

Q. And its boundary is the water?

A. Yes. It is a beautiful park, too.

Q. Beautiful park?

A. Oh, beautiful.

Q. With the exception of Lincoln Park, you don't know of any large park in this country which is not surrounded by a fence or boundary wall?

A. It is the only one.

Q. Prospect Park is, in Brooklyn?

A. Yes.

Q. You have been pretty familiar with the Wilderness in the last few years?

A. Yes.

Q. Ever see any stumps removed?

A. No.

Q. Are the stumps there?

A. Yes.

Q. The committee can see them if they go out?

A. Yes.

Q. Now, Mr. Sargent, you remember the original condition of Franklin Park, when it was first acquired by the city?

A. Yes.

Q. What was that, if you can state it briefly, in comparison with its present condition?

A. Well, there was an old high road running through it. They were country places, and there were a large number of old apple tree orchards, which were cut out. Of course there were a number of highroads running through it, and hedge-rows, and stone walls.

Q. I have here two maps prepared by the Park Department, showing the condition of Franklin Park before it was purchased, and after.

A. Do you want me to look at them?

Q. Yes. The first map, which will be Exhibit 137, represents the land acquired by the city, and what is now Franklin Park, and it shows, Mr. Sargent, does it, the wooded area at that time?

A. Yes.

Q. And shows the roads?

A. Now, let me see about the roads (examining plan). Well, this road (pointing) ran through here. That road (pointing) I remember perfectly well. Then, this property (pointing) belonged to my father's uncle. I was familiar with all that. General Horace Sargent lived here (pointing) and Mr. Manlius Sargent lived here (pointing).

Q. Those estates were on the corner of Seaver street, were they not?

A. At the corner of Seaver street and Walnut avenue.

Q. This plan shows the isolated trees?

A. I suppose so. I cannot swear to every tree.

Q. You see various spots marked on the plan supposed to be trees?

A. Yes. Those trees are there (pointing). Of course,

these trees (pointing) are there; and these trees (pointing) are there.

Q. Now, has there been an increase, to your knowledge, in the wooded area of Franklin Park since that time?

A. I should think so; yes.

Q. I will show you now this other map, which will be Exhibit 138, and which shows Franklin Park as it was on January 1, 1900, showing the tree plantations?

A. I should think there was a larger wooded area there.

Q. And it is very much larger, isn't it?

A. I should think so; yes.

Q. And it shows a great many isolated trees and clumps of trees cut out?

A. Yes; those are largely apple trees. There were large apple tree orchards there. Mr. Olmsted cut them out, and I remember that there was a great deal of criticism of him for cutting them out. The Transcript had a number of letters from lovers of nature at that time. I remember it very well.

Q. Did they complain that the apple tree was a native there, and ought not to be cut out?

A. They complained that it was an object of very great beauty — especially when they were covered with canker worms, as they always are in abandoned orchards.

Q. Were there any roads and stone walls in the parks at that time?

A. Well, there was a general road that run through there.

Q. Do you know how many different estates there were?

A. No.

Q. Were there not some forty or fifty?

A. I don't know.

Q. The division lines are shown on the first map, are they not — the field lines?

A. I suppose those are the ones (pointing), aren't they? I have never seen this plan before.

Mr. MATTHEWS. — I call the attention of the committee to those two plans as showing the increased wooded areas in Franklin Park, produced by the various commissions since 1884, and to the excision of a great many trees and clumps of trees — hundreds of them — in the open portions of the park.

Q. Mr. Sargent, would it have been possible to have left those estates just as they were when taken by the city and get a natural New England park-like effect from it?

A. No, sir.

Q. It wouldn't?

A. Certainly not.

Q. Why not?

A. Because they were cut up into square less, and then the apple orchard does not New England, the apple being a foreign brought here.

Q. These open spaces themselves ar nature, are they?

A. No, sir. They were all probably

Q. What was the condition, so far a ables you to state, of the surface of the New England?

A. Densely covered with woods, exce openings had been made along the streams cultivate a little corn.

Q. With that exception, was the surface o one unbroken forest?

A. Yes, it is believed so.

Q. No open spaces?

A. No. You see there were no buffalo. T made open spaces was the burning off of the v Indians, to give food to the wood buffalo. F that was not necessary; so that, when the Pil here, this was probably an unbroken forest from Hudson river.

Q. What, so far as your learning enables yo was the character of the growth upon Franklin the Wilderness, in a state of nature, as compared now occurs there?

A. In the Wilderness?

Q. In the Wilderness; yes?

A. I think very likely there were scrub oaks there are now. There also may have been pines know. Of course, there are no old trees in the W

Q. Are there any large trees there?

A. Not one.

Q. Not one?

A. No.

Q. Has the place been burned over?

A. Evidently. All the woods have been burne have been fires, probably every year, for one or tw years.

Q. And that is true of the Wilderness?

A. Yes, there have been fires every year, proba

Q. You don't mean the whole of the Wilderness

ery likely at times the whole of it — just as Blue
en burned over innumerable times.
whole of it at once?

your knowledge and observation goes, is
forest growth there?
hemlock grove in the Arboretum is an
don't know any other. The Waverly
ees. In Essex County, I know a few
ubtedly growing there when this country
when the Pilgrims came here.
at in the vicinity of the city of Boston
about the only one?
is about the only one; yes, sir.
taken any special interest in the matter of

eat. I was led into that, I might say, from
few years ago, three or four years ago, the
line put $100,000 in the hands of the Brook-
mmissioners to buy playgrounds in the out-
the town. That attracted my attention to the
rally. That scheme has worked so well in
at the town meeting gave us another $100,000
ose. That led me to the study of playgrounds.
have you advised the Park Commissioners in the
on in that matter?
ve had various talks with them on the subject.
you state to the committee your views of the
laygrounds, as distinguished from parks?
ll, it seems to me that they are very necessary and
ings to have, for children to play in. You can
know how many children play there every day.
there is no place in the parks specially set apart
ung children. I should like to see many more
ll the congested parts of Boston. (Turning to
s.) New York has spent in the last five or six
l million dollars, I think —
SONS. — Twenty million dollars.
TNESS. — (Continuing) — in going into the con-
, on the East side, and buying whole sites and
vn the buildings and making playgrounds.
se have been secured in the populous districts,

the most populous districts — Corlear's Hook, Mul-
l, and such places.
you find, considering the matter of playgrounds,

any playgrounds connected with the park system between Boston Common and Franklin Park?

A. There are none; no, sir.

Q. And what have you done as to the introduction of such in the park system?

A. In that particular region?

Q. Yes, along the main park system?

A. Well, the only thing I have done was to recommend the Commission to fill up the natural history pools and make a children's playground there. That is all I have been able to do. I have wanted them to buy one or two playgrounds in Jamaica Plain; but I have not got them worked up to it yet.

Q. You consider Leverett Park a good site for a playground?

A. Yes, I thought so, for small children. You cannot play big games there. It is not big enough.

Q. Was there any other objection, or any special objection, to the pools in Leverett Park?

A. They were dangerous.

Q. Why?

A. They were very deep, with very steep banks.

Q. How deep?

A. I think from 6 to 8 feet deep — deep enough to drown a child. If a child fell in, he couldn't possibly get out unless he swam.

Q. There were some ten of them, were there not?

A. Natural history pools?

Q. Yes.

A. I think there were three — was it three or four, Mr. Pettigrew?

Mr. PETTIGREW. — About ten of them.

The WITNESS. — No; the natural history pools — the big ones.

Mr. PETTIGREW. — There were seven filled up.

The WITNESS. — You don't understand my question. I mean the big ones. I mean north of the hill.

Mr. PETTIGREW. — Four there; and then there were three others filled up.

Q. That is there were four pools on the north of the wooded hill filled up because you wanted to make a playground there?

A. Because the object for which they were created no longer existed. They were built there with the idea of establishing, in conjunction with the Natural History Society, a fresh water aquarium there.

Q. Was that plan abandoned?

A. Yes; they couldn't work it out.

Q. What would you say as to the other three pools on the south side of the wooded hill? Was there any water in them?

A. There was water a few days in the spring, sometimes.

Q. What was their condition the rest of the time?

A. Dry.

Q. What was the condition of the outlet stream from Ward's Pond?

A. Well, I saw it run, one wet spring, for three weeks.

Q. Three weeks at a time?

A. Yes.

Q. What was its general condition?

A. The rest of the year it was perfectly dry.

Q. What was the condition of the waterfall at the outlet of Ward's Pond?

A. There wasn't any.

Q. Well, the bed of the stream was there?

A. Yes.

Q. And the construction for the waterfall was there?

A. Yes; but there was no waterfall.

Q. Do you know of any park system in the world where a waterfall has been built that didn't have any water?

A. No. I think that is a Boston notion.

Q. This is the only instance?

A. I think so.

Q. Do you know anything about the original intentions of the department with respect to the wall in Jamaica Pond which was to be exposed above the water?

A. Well, they used to talk about a foot and a half, I think.

Q. You mean on the south side of the pond?

A. I think they used to talk about a foot and a half.

Q. How much wall was exposed there, as a matter of fact?

A. I think more than 5 or 6 feet — possibly 8.

Q. Very much in excess of the amount expected?

A. I should say so; yes.

Q. What is your opinion of the changes made by the present Commission?

A. Well, I recommended them to do it, so I am bound to think very well of it, now that it is done.

Q. It is finished?

A. Yes.

Q. What do you think the effect is?

A. I think it is good. Of course, it is unfortunately too straight; but it would be a very expensive thing to obviate that. It will always look rather artificial, but it will look a great deal better than it ever has since the wall was built.

Q. There is no wall along the west shore of Jamaica Pond close to the water?

A. No.

Q. Was there one contemplated in Mr. Olmsted's first plan?

A. Yes.

Q. Do you know why that was abandoned?

A. Yes.

Q. Why?

A. I persuaded him to abandon it, so as to save the trees. There are some very fine trees along the bank. There are the finest there in New England. The construction of that road there would kill them all.

Q. He consented to it?

A. Yes.

Q. Have any valuable trees been cut out along the western slope, except what was necessary for the roads?

A. Not one.

Q. Not one?

A. No.

Q. Any valuable and fine trees cut out in the Parkman place, for instance?

A. Not one.

Q. Not one?

A. Not one. There has been one tree cut out in the Parkman place, and that was a half dead elm.

Q. Only one tree, all told?

A. That is all.

Q. And if anybody says that there has been a great change in the trees there, and any great number of trees cut out at the Parkman place, they are in error?

A. Yes.

Q. And I understood you to say that no good trees were cut out on Franklin Park?

A. Not one. When I say no good trees, I mean to say that no tree was cut down that it wasn't for the benefit of a better one.

Q. Yes, I should have stated that qualification. I had it in mind. What do you say with reference to the completion of our main parks?

A. I say that it will cost $250,000 to complete it, and that it can be done in about a year.

Q. That is, to complete the main park system, so far as you think it advisable?

A. That will complete everything except the West Roxbury Park — absolutely. That doesn't include Franklin Field or any of the playgrounds.

Q. But $250,000 will finish the main park system?

A. Yes, sir.

The CHAIRMAN. — $250,000 will finish what?

Mr. MATTHEWS. — The main park system.

The WITNESS. — All the Boston parks outside of West Roxbury Park.

Q. (By Mr. MATTHEWS.) And not counting the playgrounds?

A. And not counting the playgrounds.

Q. Did you have anything to do with the cutting down of the estimates for completing the parks?

A. I did.

Q. And do you remember from what figure they have been reduced?

A. They were reduced from $2,500,000 to $1,500,000.

Q. And the latter scheme, I understand, has been carried out, or will be?

A. I hope so. I should have explained that that million and a half included the completion of all playgrounds. Of that amount, they have had one million dollars, which they have expended, leaving $500,000 needed, on our original figures. Now we find that the parks could be completed for $250,000, and that the playgrounds, including Franklin Field, and all the playgrounds which they had charge of at that time, two or three years ago, would cost $250,000 more.

Q. You recommended the reduction from the larger sum to $1,500,000?

A. Yes, sir.

Q. And what was your idea in that reduction?

A. I don't understand.

Q. What was the idea in making that reduction in the work that was to be done to complete the system?

A. In the interest of economy, primarily, and, secondly, by cutting out things which seemed to me unnecessary — expensive buildings, unnecessary roads, etc.

Q. Has there been any special necessity for the employment by the Park Department during the past three years of a landscape architect, at a regular annual salary?

A. I don't think so. I think that at the time Mr. Pettigrew assumed charge of the parks the construction and land-

scape work was done, with the exception of the care of the woods and plantations — the planting, and things of that sort.

Q. But there would be a necessity for employing a landscape architect on the West Roxbury Park?

A. Yes, I think so.

Q. But with reference to the main park system, you don't see any such necessity?

A. None whatever.

Q. You said there had been no change in the system of the plantations from the ideas of Mr. Olmsted. Have there been any changes in the landscape work, as distinct from the work which relates to plantations, trees and shrubs, except those which have been referred to in Leverett Pond, Jamaica Pond, and the Greeting at Franklin Park?

A. I don't know of any others.

Q. Those are all the changes, if they can be called such, that have been made?

A. Walks in some cases have been made narrower, where it was desirable to widen the planting spaces.

Q. But you wouldn't call that a substantial change?

A. No. The only change, the only radical and important change, was the change in the Greeting.

Q. That is the abandonment of the Greeting?

A. The abandonment of the Greeting. These ponds Mr. Olmsted would have filled up when he found that the Natural History Society had given up their scheme.

Q. And you understand that, at Jamaica Pond, he consented to the change in the walls along the west shore, and only wanted to have one foot and a half clear of the surface of the water?

A. Yes.

Q. Now, is there anything else that you care to state to the committee, or any other point that you think the committee should have information upon? If so, I should be glad to have you volunteer it.

A. Well, you know the Fens have been a good deal criticised.

Q. I had forgotten the Fens. Will you state what, in your opinion, was the condition of the Fens, and the reasons for deciding upon the change?

A. Well, so far as the trees were concerned at the Fens, they were planted very thickly by Mr. Olmsted — and I think properly so, because it was a very exposed place. He carried out the first part of the old adage which says, "Plant thickly;" but he didn't carry out the second part, which says,

"Thin quickly." The thinning quickly was omitted, and it might perhaps have saved very much if it had not been.

Q. Do you know why the thinning quickly was omitted? Was it upon his advice, or against his protest?

A. I don't know about that; but he knew the importance of thinning trees.

Q. There was never any difference of opinion between you upon that point?

A. Never, never. There is a general impression in the community, and one perhaps gathered from the newspapers, that the trees in the Fens have been unduly thinned out, and that sacrifices have been made there. Now, I am prepared to prove by any tree experts that are brought on that the trees have not been thinned enough there, and that the Commission have shown very gross neglect in the last three or four years in the care of those trees. The trees are, many of them, in a scandalous condition; and they have not been thinned, I think, largely on account of this talk in the newspapers. I would like to take the committee down there and talk with them about the trees, and I think I could convince them that the Commission has not been doing their duty to them.

Q. What would you say was the condition of the pine trees — the conifers?

A. Beastly.

Q. In what respect?

A. Thay have been crowded. They have no branches. They are full of diseases. They have several leaders to them. There is not one of them that is not a disgrace to the city of Boston.

Q. What is your opinion of the condition of the line trees — the trees along the roads and walks?

A. Bad. In the first place, the selection was bad. The line trees at the end of the Fens, what might be called the eastern side of the Fens, were very well planted. Those have not been disturbed.

Q. Those are Norway maples?

A. Yes.

Q. If any witness has said that you recommended the cutting out of all the trees on all sides of the Fens, he is mistaken?

A. He has made a mistake. When you have crossed the Boylston bridge, they gave up the Norway maple, and they planted the red maple, which is a tree that grows in swamps or low, rich ground. If you plant that tree in a gravel bank, it will not thrive. Then they also put in a yellow ash tree —

a tree which only thrives in deep, moist ground. The trees were very large — some of them 20 or 25 feet high. They had stumps about that size (illustrating), so that they would not support themselves, and they had to be tied up to big sticks, and the result was that the tree and the stake, whenever the wind blew, rubbed against each other. You take out the stake, and the tree would fall down. By my advice, the Commission took out every one of those trees, and replanted the plantation, with more soil, with Norway maples, which, on the whole, has proved itself to be the best tree planted on the Back Bay. The best trees on Commonwealth avenue are the Norway maples. That work was done last year, and they now have good trees there.

Q. That is to say, when you replanted, you chose the same tree which Mr. Olmsted had selected?

A. Which he had planted first.

Q. Over on the east side?

A. Yes, sir. All the line trees are Norway maples now.

Q. And you selected the same tree to complete the planting that he had put on this side, and which had grown very successfully?

A. Yes, sir. They are good trees.

Q. Now, will you tell the committee what the condition of the shrubbery was, and explain the original design in laying it out, and what happened to it?

A. It was an experimental shubbery. A large number of exotic shrubs were planted, which had been very insufficiently tried. I am sorry to say that I was responsible for the introduction of those shrubs in this country. Mr. Olmsted had seen them in the Arboretum, and, before they had been sufficiently tested, he had them planted in the Back Bay Fens. A great many of those died, so that at the end of a few years those shrubs had become so crowded that a large part of the shrubs were either dead or dying, and the others were crowded so that they were bare poles, with a tuft of leaves on top. Instead of making a screen, you could look right out under them. The only way to do was to rip them right out and replace them with different shrubs.

Q. If you took the committee down there, you could show them some of the shrubs that were planted in the early plantation?

A. Yes.

Q. Could you also show some of the shrubs that are in their rudimentary form, and which they ought to have taken?

A. Yes; and I can show them many hundred trees that ought to be cut out inside of a week — trees that are doing positive injury there.

Q. Is the appearance of the plantations in the Fens so different from the appearance of the plantations along the Riverway, particularly on the Brookline side, that any intelligent observer, if his attention were called to it, could appreciate it?

A. I think so; yes.

Q. What were the pine trees that were planted along the Fens?

A. Principally Scotch pines and Austrian pines — two European trees which do not flourish here. There were also a few red pines, which is a hardy native tree, and a few white pines. Although the white pine is a native tree, it is a delicate tree. After they have been planted, they suffer very much from the exposure of the situation. Then, there were some Norway spruces, and some white spruces.

Q. What is your opinion of the Norway spruce as it occurs in eastern Massachusetts?

A. I think it is pretty good for 25 years.

Q. After that?

A. It gets very shabby, and generally dies. It is very hard to find in eastern Massachusetts a Norway spruce fifty years old, although there are thousands planted every year.

Q. Is there anything else that you care to say about the Fens?

A. Well, I think the plantations in the Fens are in a very unsatisfactory and disagreeable condition.

Q. Now?

A. Now, — bad. The measures there, I don't think have been radical enough.

Q. Have you noticed what was done by Mr. Pettigrew on the Boston side of the Riverway?

A. Yes.

Q. That treatment was more radical?

A. More radical and more successful.

Q. What is the condition of those plantations?

A. They look better. They can be made better yet, but they look better. The trees are in better shape. They have been thinned out more there. They are in pretty satisfactory condition.

Q. I would like to ask you what your opinion is as to the cutting that has been done at the Pine Banks and along other parts of Jamaica Park?

A. Well, there has been no cutting done at Jamaica Pond, except at the Pine Bank. There may have been an occasional dead or dying tree cut out. Of course the Pine Bank is an old place. It was first planted in 1802. It has

been managed and controlled for the last 40 years by a gentleman who objected very seriously to cutting out trees. The result has been that when the city got it there was hardly a decent tree alive. Some of those trees had to be cut out, and yet the trees that are left are not in a satisfactory condition.

Q. Some Norway spruces were cut out?

A. Yes.

Q. Something has been said about some trees that were cut out at the corner of Morton street and Forest Hills street, at the entrance of Franklin Park.

A. Those were Norway spruces, principally. The distance there is very narrow, and it is very important to have a thick boundary plantation there. They had lost their lower branches. There was a shelter up about 30 feet from the ground, but none lower than that to amount to anything. You could not get a thick plantation there until they had been taken out. They would have died in 10 or 12 years anyway.

Q. Were they in good condition when they were taken out?

A. No.

Q. What has been done with the undergrowth in the woods in Franklin Park?

A. There hasn't been anything done with it that I know of.

Q. Has there been any effort to clear the undergrowth away?

A. Some tree weeds were taken out, some exotic tree weeds.

Q. What is your policy in regard to the undergrowth?

A. My idea has been to get the whole thing covered with a native undergrowth.

Q. And if anybody thinks your policy has been to destroy the undergrowth, he is in error?

A. Yes. I can demonstrate that in the Arboretum, if they will do me the favor to come out there some day.

Q. What would be the effect on the undergrowth in trimming out trees?

A. It would increase it by letting the light in.

Q. Did you recommend the removal of the flag staff?

A. I did.

Q. What was the reason for that?

A. It was so tall that it dwarfed all the trees and destroyed the natural effect of the Playstead.

Q. Where was it put?

A. In Franklin Field.

Q. Can as many people see it now as before?

A. More.

Q. More young people?

A. A great many, — three to one, I think.

Q. Can it be seen from Franklin Park, as well?

A. I don't know. Can it, Mr. Pettigrew?

Mr. PETTIGREW. — Yes, sir.

Q. Some mention has been made of your own estate on the borders of Jamaica Park. That contains 40 or 50 acres?

A. I think it is more than that.

Q. 80 or 100 acres?

A. I think probably 150 acres.

Q. It is largely your own creation, or that of other people?

A. I have managed it since 1848. At that time it consisted of about 40 acres.

Q. So that three-quarters or four-fifths of it has been purchased since you managed it?

A. Yes, sir.

Q. And the landscape features have been managed by you?

A. Yes, sir.

Q. If the committee went out to visit the parks, would you have any objection to their going through your place?

A. I would be delighted to have them.

Q. And whether or not you have some woods that you have been managing as you think woods should be managed?

A. I think so. They are better in the Arboretum than they are there, because it is a more permanent institution, and I have paid more attention to them.

Q. You haven't attempted to thin the trees out in the hemlock grove?

A. We take them out when they die. I did at first cut out a few, to isolate a few of the choice individual specimens.

Q. But that is still to-day a dense mass?

A. They stand as thickly as they can possibly.

Q. And whether or not in your opinion that is a proper way to treat the trees?

A. An oak tree wants more space. You cannot crowd an oak tree that way. It will die.

Q. Are there some old oak trees in the Arboretum?

A. Yes, sir.

Q. Along the drive, going down from Central street to the hemlock grove?

A. Yes, sir.

Q. Those trees have been thinned out some?

A. They have been thinned out a little, and the undergrowth has been encouraged, to hold the leaves and check evaporation. I think undergrowth is a very important thing for trees.

Q. Is there any point that I have not covered that occurs to you?

A. Well, there has been so much talk about the trees that I think it would be a very fair thing if the committee would go out and give us an opportunity to explain what has been done.

Q. And would you have any objection to some of the critics of the department accompanying them?

A. I should be perfectly delighted to have any of them come. I want to demonstrate to the committee that there has not been trees enough cut.

Q. Is there any other point that occurs to you which would interest the committee?

A. Mr. Pettigrew — do you want me to say anything about him.

Q. Did you know him before he came here?

A. No; except by reputation.

Q. What was that?

A. Well, I heard of him from Mr. Robert Douglass, who is the most experienced tree planter we ever had in this country. In the eighties, he told me about Mr. Pettigrew. Then, at the time of the Chicago Exposition, Mr. George Nicholson, who is the manager of the Kew Gardens, in London, was sent out by the English government to Chicago. He saw Mr. Pettigrew and stayed with him a month or two, and when he came back he told me about him. I had confidence in the judgment of those two men; so that, when the Commissioners asked me about a superintendent, I advised them to see Mr. Pettigrew. I went on with them to Brooklyn; and that is the first time I saw him.

Mr. MATTHEWS. — There is nothing further that occurs to me at this time.

Cross-examination.

Q. (By Mr. LUNDY.) Was there anything, Professor, beyond the little thinning of the trees that has been done, that you can think of, that should have been done in carrying out Mr. Olmsted's ideas?

A. That is the principal offence of the commissioners, to my mind.

Q. That is the principal thing. Now, Professor, do you consider that (referring to Exhibit 100, cross section of an oak grown in the Wilderness) a fair specimen of the average tree in the wilderness?

A. (Examining exhibit.) I never have seen that. I don't know anything about it.

Q. That is marked "Exhibit 100."

A. Did that grow in the Wilderness?

Q. Yes.

A. Oh, there are larger trees than that there, a good deal.

Q. Many of them?

A. Larger than that? Oh, yes, lots of them.

Q. Now, on the subject of playgrounds, Professor, your idea is, of course, that they should, so far as practicable, get these playgrounds in the congested section of the city?

A. It is.

Q. Do you understand, Professor, that this commission has laid out four playgrounds — no, three playgrounds, — within a radius of a square mile in Dorchester?

A. Yes.

Q. And that there are four playgrounds, counting Franklin Field?

A. Yes.

Q. Now, do you consider that good policy?

A. I don't know where the playgrounds are. I haven't seen them.

Q. Well, you do know that Dorchester is not a section of the city that actually calls for a playground?

A. I don't know anything of the kind, no.

Q. You are not familiar with Dorchester?

A. I have driven through there, yes.

Q. Well, should you say, with the outlay of money it is possible for the city to make, that it is good policy to confine these playgrounds to any single section, in that proportion?

A. Well, they haven't any money yet to buy them with. They had better buy good playgrounds when they have a chance and have the money, in one section, and then go into another section.

Q. Don't you think it is necessary to come down where they need breathing spaces?

A. Whereabouts?

Q. Well, anywhere in the crowded section?

A. Well, where?

Q. I don't suppose we could have one right down here?

A. Why not?

Q. On the City Hall?

A. A very good place for one, I should think, if you have got money enough to pay for it.

Q. Have you seen the Fellows-street playground?

A. The Fellows-street playground? Have I ever seen that, Mr. Stratton?

Mr. STRATTON. — Yes. I think it was on a winter's day.

The WITNESS. — Where is it?

Mr. STRATTON. — A small one, near Hunneman street, on the Roxbury line.

Mr. LUNDY. — There is a big iron fence around it, isn't there?

Mr. STRATTON. — Not so very tall.

The WITNESS. — Yes, I have seen it — thought it a very poor thing, too, not big enough.

Q. (By Mr. LUNDY.) Do you know Mr. William Henry Winslow?

A. I have that pleasure, yes, I think he is the gentleman I know — the gentleman who is an architect?

Q. Yes, an architect.

A. A neighbor of mine.

Q. He said here in one place: "I have noticed continual changes, and changes which were rechanged and rechanged again. There seem to be a total want of consensus among the persons who are responsible for the park management." What do you say to that?

A. I cannot say anything. I don't know what he means.

Q. You cannot grasp that — that "there seems to be a total want of consensus among the persons who are responsible for the park management"? Have you ever noticed that?

A. Never.

Mr. LUNDY. — I think that is all, Professor.

The CHAIRMAN. — Alderman Gerry would like to ask some questions.

The WITNESS. — I will be delighted to answer any questions he asks me, if I can. They are pretty difficult, some of these questions.

Q. (By Alderman GERRY.) Is that in a sense of sarcasm, or in a sense of good nature?

A. Good nature. I hope I am good natured.

Q. Is it untrue that you are the adviser of the Park Department?

A. No, sir.

Q. It is true that you are?

A. They ask me questions sometimes, yes.

Q. Is it untrue that you are the adviser of the Park Department?

A. I don't know exactly what you mean.

Q. Well, is it untrue that you are the only adviser of the Park Department?

A. I don't know.

Q. Then, when Mr. Stratton testifies that you are the adviser, and the only adviser, of the Park Department —

A. I believe him.

Q. You believe him?

A. I do, yes. I didn't know whether he advised with anyone else or not before you made this statement.

Q. He says he has not.

A. I have unbounded confidence in Mr. Stratton's word.

Q. So have we all. If you were told that that specimen (referring to exhibit 100) came from the Wilderness, you would say, as you have testified, that that was not a fair representative of the Wilderness, wouldn't you?

A. I should say that there are larger trees there.

Q. Larger trees?

A. Yes, sir.

Q. And if that was brought as a specimen, to be but by the side of the one there that was grown in the Arboretum (Exhibit 101), you would say that that was hardly a fair comparison, wouldn't you?

A. I haven't examined that — don't know anything about it. I don't know how old it is or anything else. I have never seen these specimens before.

Q. That was said to be eighty years old by an expert (referring to Exhibit 100).

A. I can tell you how old it is, if you want me to take the time to do it.

Q. No, I don't care to have you.

Mr. MATTHEWS. — Dr. Gerry, there is no doubt about the number of rings in there, is there?

Alderman GERRY. — No. There are said to be eighty rings; it is said to be eighty years old.

Mr. MATTHEWS. — Well, of course, that can be told with a magnifying glass — not by the naked eye.

Alderman GERRY. — I was only calling Professor Sargent's attention to the fact that that was brought in as a specimen of a tree grown in the Wilderness, in a ten-inch soil.

Mr. MATTHEWS. — Three inches of soil.

Alderman GERRY. — Three inches, and I was simply asking whether he considered it right or wrong to compare it with this tree that was grown in the Arboretum.

The WITNESS. — I am glad that they grow such good trees in the Arboretum. I didn't know it.

Alderman GERRY. — I wanted to know if he thought it a fair comparison.

Mr. MATTHEWS. — Excuse me — these were not introduced as average specimen trees of the Arboretum and Wilderness.

Alderman GERRY. — That (referring to Exhibit 100) was brought in as a specimen.

Mr. MATTHEWS. — It was a tree grown in the Wilderness, and doubtless many more of the same size are grown there.

The CHAIRMAN. — Go right along, Doctor.

Alderman GERRY. — I will.

Q. (By Alderman GERRY.) Do you have control of the Walter street side of the Arboretum?

A. I have control of the whole Arboretum, yes, sir.

Q. Will you be kind enough to tell me if any trees have been cut down lately on the Walter street side?

A. I will be glad if you will go out there with me, to go through the Arboretum with you and give you what information you desire. But I am not here to testify about the Arboretum. The city of Boston has no control over the Arboretum outside of the walks. I will go out there with you to-morrow morning and explain to you the whole thing.

Q. You don't care to tell me this evening?

A. It does not seem to be relevant at all to this testimony.

Q. All right. I suppose you have the same objection to my asking you if the Motley place is under your control?

A. It is not; no, sir.

Q. That is not under your control?

A. The house you mean?

Q. No, the grounds on South street?

A. There is a little piece of ground there that is not, no.

Q. Will you be kind enough to tell me if you ordered the cutting of these trees on the Motley place, on South street?

A. I haven't cut any trees — there haven't been any trees cut on the Motley place.

Q. There haven't?

A. No.

Q. Have you been there lately?

A. Yes, sir; was there to-day.

Q. And no trees have been cut on the Motley place lately?

A. No, sir.

Q. On that road by the brook running up to Mr. Cordis' place?

A. Yes, but that is outside, and I don't see that it is any of your business, Doctor.

Dr. GERRY. — I am very much obliged. I don't care to examine him or ask him any more questions. He is insulting. I don't care to ask you any more questions, sir. You desire to insult me, and I don't propose and don't care to be insulted by any man, I don't care who he is.

Re-direct Examination.

Q. (By Mr. MATTHEWS.) You have said that the Park Department has nothing to do with the plantations in the Arboretum?

A. Not a thing.

Q. But it has to do with the roads?

A. Yes, the roads. Do these gentlemen understand the relations between the city and the Arboretum?

Q. I will ask you to explain them?

A. Well, the city, in the first place, came in and seized, by right of eminent domain, all the property held by the Arboretum for the college. Then it leased back to the college, for 999 years, all the grounds except those occupied by the drives. It has absolute control of the drives.

Q. Who has?

A. The city. The city built the drives, maintains them and controls them. The rest of the Arboretum is under the control and under the direction of the Fellows of Harvard College.

Q. The roads on Peter's Hill then, were built by the city?

A. Yes. The city owns the ground the roads are on.

Q. Have you examined the roads on Peter's Hill?

A. Yes, sir.

Q. Have you anything to say about the manner in which they were to be built or were built?

A. They were to be built in a manner satisfactory to me, as a representative of the college.

Q. And whether or not they were built so?

A. Absolutely.

Q. You have no fault to find with the manner in which the roads were built?

A. Not a bit. They were laid out by Mr. Olmsted's firm.

Q. And whether or not the building or construction was satisfactory?

A. Absolutely satisfactory. I inspected them daily while the work was going on.

Q. (By the CHAIRMAN.) Professor, of course you are qualified as an expert on trees?

A. I don't know, sir, I am sure. I have been at it a good while.

Q. I understood you to say you were?

A. No, you didn't — at least, I didn't say so. I said I was a student of trees.

Q. Now, assuming that that piece of tree (referring to Exhibit 100) is 87 years of age?

A. Yes, sir.

Q. Would you say that it grew in favorable or unfavorable ground?

A. Very unfavorable. I take it that that is one of the black oak section, which are very fast growing trees.

Q. You spoke about its being deplorable and a disgrace to the city not to go through more of this thinning process, of cutting down trees?

A. Yes.

Q. Why is that so?

A. Because the trees are all being spoiled.

Q. Why are not trees cut down, if it is better to do so?

A. I fancy that the Commissioners neglect their duty. I don't know any other reason. The thing has been pointed out to them.

Q. You are an adviser of the Commission?

A. I am an adviser of the Commission.

Q. And they haven't done it?

A. They haven't done it.

Q. Then you think they haven't done their duty?

A. I think they have not in that respect; no.

Q. Is that so all through the park system?

A. The Fens is the worst. Franklin Park is in a much better condition than the Fens.

Q. Well, have you any idea why the Commission has not acted according to your advice?

A. Yes.

Q. What is that, please?

A. Well, I think it very natural. They have rather regretted all this criticism that has been in the papers about it. I think that is natural — I might have been rather sensitive myself about it.

Q. If you were in their place you wouldn't pay any heed to criticism, but would cut the trees down?

A. Well, when the trees are cut down the thing is done, you know, and the criticism doesn't amount to much.

Q. That only appeals to you on the Back Bay Fens?

A. Those plantations are in the most unsatisfactory condition. But you must remember, Mr. Norris, that this cutting of trees in the parks has to be done every year. We cut out in the Arboretum five or six thousand trees every year, in cutting and thinning the plantations. That is, a big tree that may have a spread of branches of 100 feet, means a destruction of three or four hundred small trees before it gets there.

Q. Has the city spent any money on the Arnold Arboretum outside of building the roads?

A. No, sir; not at all, except for walks, boundary wall and policing.

Q. But it has nothing at all to do with the forest part of it, the grounds?

A. Not a bit, not a thing.

TESTIMONY OF JOHN A. PETTIGREW. — *Recalled.*

Q. (By Mr. LUNDY.) You were three months at the West Park System, Mr. Pettigrew?

A. Yes.

Q. And your salary was how much?

A. $3,000.

Q. Now, did you sever your connection with the West Park system before you went to — no, I will ask you this: Had you made arrangements to go to the Lincoln Park System before you left the West Park System?

A. Yes.

Q. And at Lincoln Park you remained how long?

A. From 1889 to 1894; April, 1889, to August, 1894.

Q. And from there you went to Milwaukee?

A. To Milwaukee.

Q. Well, that change in your position came about as Mr. Altgeld stated in his letter, did it not, substantially?

A. Practically.

Q. The salary at Milwaukee was much less?

A. The salary at Milwaukee was $2,500.

Q. And you remained there how long?

A. I remained there until — it must have been 1896, in March, February or March, when I went down to Brooklyn.

Q. Well, you experienced considerable friction there, didn't you, in Milwaukee, with the Park Board, or with a part of them?

A. No; not with one of them.

Q. And you had received your office in Brooklyn before you decided to leave the Milwaukee system?

A. Yes; I came down to Brooklyn to talk with the Park Commissioner there on his invitation, but with the approval of the Milwaukee Board. They understood what I was going for.

Q. How many Commissioners were there in Milwaukee when you went there?

A. Five.

Q. Who was Chairman of the Board, Mr. Pettigrew?

A. Christian Wahl.

Q. Didn't you have some friction with Mr. Wahl? Wasn't there some friction there, Mr. Pettigrew?

A. No, not to amount to anything.

Q. And the Brooklyn Department, you had no intention of leaving until you received this suggestion from the Boston Park Department?

A. No.

Q. That is so, isn't it?

A. Yes.

Q. And did you understand that when Mr. Dettmer tried to have you remain in Brooklyn he did that, principally or simply, because he wanted the man who had had the experience there, he being a new man?

A. I could scarcely answer that. I couldn't say what he thought about it, because I hadn't met Mr. Dettmer until I spoke with him about my coming to Boston. That was my first interview with him.

TESTIMONY OF PROF. CHARLES S. SARGENT. — *Recalled.*

Mr. MATTHEWS. — I have just called Professor Sargent's attention to the fact that I myself asked him on direct examination questions in regard to trees on the Arboretum, and that it seemed to me he was not quite within his rights as a witness when he declined to answer questions on cross-examination in regard to trees in the Arboretum. If these trees that Alderman Gerry asked about are in the Arboretum, I think he is now willing to answer questions in regard to them. He forgot that he was questioned about them in direct examination.

Professor SARGENT. — Of course, I will answer questions about them, if proper.

Mr. MATTHEWS. — Professor Sargent, of course, is ready to apologize to Dr. Gerry, if he desires it.

Alderman GERRY. — Not at all — only the way you started out was rather hard on me.

Professor SARGENT. — I only thought you were going outside of the subject of inquiry.

Alderman GERRY. — Well, it was rather hard on me, but I don't care to have you make any apology, sir, only I did think you were insulting me.

The CHAIRMAN. — Dr. Gerry will proceed with the examination.

Doctor GERRY. — I didn't care to ask you any questions to annoy you or irritate you, but my constituents wanted me to have you answer questions in regard to certain things.

Mr. MATTHEWS. — And upon a subject that has been brought into the investigation.

Alderman GERRY. — Yes, it has been. For instance, a gentleman came to me the other day and asked me about those trees on Walter street. He said he had been up there and had seen that sort of thing on the left hand side from Centre street, going up towards the old burying ground there.

Professor SARGENT. — Up the hill?

Alderman GERRY. — Yes — that there had been a lot of trees cut there, mentioning a dozen or so that had been cut down.

Professor SARGENT. — A whole row?

Alderman GERRY. — And he asked me to go up and look at them. I did, and I couldn't for the life of me make out why it was done. I remembered that road as being a very shady road, an enjoyable road to walk and drive through, and I couldn't for the life of me make out why anybody should want to cut those trees down.

Professor SARGENT. — Have you been up there within two or three days?

Alderman GERRY. — Yes; I was up there to-day.

Professor SARGENT. — You saw that it was all replanted?

Alderman GERRY. — Well, replanted with a lot of pines.

Professor SARGENT. — Yes, sir. The idea was to make a thick pine screen there, to protect the inside of the hill and shut out the road. There was a row of elms and sycamore maples in pretty poor condition, which would prevent our planting anything else underneath them, and the only way was to remove those trees and plant what we wanted to plant. They were not good trees, Doctor. They were diseased trees up against the wall, with a lot of dead wood, and not a good tree among them.

Alderman GERRY. — Of course, you are an authority on that subject, but to me they looked like pretty good trees. The sap was running out of one tree as large as my body — looked like a good tree.

Professor SARGENT. — The idea is to get a good, thick pine plantation there. You cannot grow pine under an elm.

Alderman GERRY. — Of course, my question is as to the matter of policy — not a matter of personality, but policy. This question is, in my mind, whether it is the best policy to cut down a lot of trees, if they have passed their prime a little, if they give good shade to the road, even to make a plantation.

Professor SARGENT. — How are you going to make a border plantation without?

The CHAIRMAN. — I think this is a little mite irregular. It seems to me the doctor should ask questions on what has appeared in the evidence.

Alderman GERRY. — He has answered it.

Q. (By Alderman GERRY.) I would like to ask one question, and that is, if it was by his orders that the trees on the Motley place, there on South street, were cut down?

A. Well, that isn't the Motley place. It is on South street, but it is in the Arboretum.

Q. That isn't in the Motley place?

A. No, it isn't in the Motley place.

Q. I thought the Motley place ran down there — I didn't remember exactly. I haven't been down there much for five or six years.

A. Well, it was the Motley place in the old times; in fact, the whole Bussey farm was, before the laying out of the Arboretum.

Q. Can you tell me why those large trees were cut down, destroying the canopy?

A. Well, there were two sickly elms there, and back of that is our plantation, and they interfered with the plantation. They were not good trees, either. I don't cut down good trees.

Q. Well, of course, I am not a tree expert, but it does seem to many of us as if it was unnecessary to do such cutting, even for plantation purposes.

A. Well, if you will go out there with me some day, Doctor, I will satisfy you about those trees.

Re-direct Examination.

Q. (By Mr. MATTHEWS.) I would like to ask Professor Sargent one question about these trees on South street. I will call his attention to a photograph, on which is written "South St., Arnold Arboretum, near Motley place," and ask him if that shows the location Alderman Gerry is asking about?

A. (Looking at photograph.) That tree is left, and that one cut. Here is a very important plantation, one of our main boundary plantations in the Arboretum.

Q. Those are trees grown for boundary purposes?

A. For the boundary of the Arboretum.

Q. What was the object of cutting out the trees that were cut out?

A. They were very poor trees, elm trees, and shaded these conifers and interfered with their growth.

Q. And is this place formerly occupied by the elms to be planted with conifers?

A. Yes. This good tree here (pointing to photograph) is left.

Q. Now, you have been asked by Dr. Gerry certain questions in regard to the cutting out of trees in the Arboretum for the purpose of replanting with conifers?

A. Yes.

Q. Now, has anything of that sort been done in the Boston parks?

A. No, not that I know of.

Q. Have any large trees been cut out, to your knowledge, for the purpose of putting in smaller trees, younger trees, different trees, for that purpose alone?

A. Not if they were healthy trees, no. No good trees have been cut out of Franklin Park.

Q. (By the CHAIRMAN.) Professor, under whose management and control is the College of Botany — that is what it is called, isn't it — in the Arnold Arboretum?

A. The Agricultural College?

Q. Yes.

A. That is a separate institution. I have nothing to do with that.

Q. Is that under the care and management of the city of Boston?

A. No — Harvard University.

Q. I thought that came within the grant?

A. No. All the city has there are those roads.

Q. In what condition does that stand to-day? Do students from the city go in there?

A. Unless they are students of Harvard College they cannot.

Q. They cannot, unless they are students of Harvard College?

A. No. Bussey Institute is outside of the parks entirely. That isn't leased to the city. That is a separate department entirely from the Arboretum.

Q. Separate altogether?

A. Yes.

Q. (By Mr. MATTHEWS.) You have nothing to do with it?

A. No, sir.
Q. Who has charge of it?
A. Professor Story is the Dean of the Bussey Institute.

TESTIMONY OF JOHN A. PETTIGREW. — *Recalled.*

Q. (By Mr. LUNDY.) Now, since you have come into the department, Mr. Pettigrew, you have taken hold of the engineering, pretty much — that is, in the way of general superintendence?

A. Well, a short time after I came into the Park Department the Engineering Department was put under my control.

Q. Now, do you draw any plans for the laying out of roads, or whatever there may be to do in that way, in an engineering way?

A. No, I never do any drafting.

Q. Just superintend the engineers?

A. Yes.

Q. Now, very briefly, to get to this Peter's Hill road — you didn't hear Mr. Jeffery testify on that point, did you?

A. Yes.

Q. Were you here that day?

A. I was here the first night, yes, sir.

Q. Have you also read the testimony of Mr. MacCallum?

A. Read it all, yes. I heard him testify.

Q. Now, what do you say as to that road there, in regard to the number of different changes that were made?

A. Well, the road had been laid out in the fall, and sub-graded, according to the stakes that were set in, and during the winter the stakes became removed or were heaved up by the frost. An engineer was set to work to replace them, and there was some mistake made. I don't know how it occurred, but when we came to put the gutter down it was discovered that the stakes were different from what they were before, and then my attention was called to it, and Mr. Shea and I went up there. The engineers were busy in some other part of the department, and Mr. Shea and I told the men who were building the road or preparing for the gutters to raise the grade up on the stakes. It was a matter of little importance whether the grade was an inch higher or an inch lower, so we marked up a few stakes to show them how to do it when the engineers were away, to keep them at work. As for the change in the grade that Mr. Jeffery had reference to, we made some little change, to save material, in running from one point to another. We would run fifty feet to a

certain point, and probably to the next point it was fixed so that it wouldn't be quite even clear over the road, but, at the same time, you wouldn't be able to discover it to-day. It was so little in fifty feet that you wouldn't notice it.

Q. Was that road, as far as you know, built uniformly — a telford road?

A. It was not a telford road, but a macadam road. I am not favorably impressed with a telford road, but favor macadam, myself, because I think the smaller stones have a more even bearing on the sub-bed. The telford road is supposed to be of stones of nearly equal size, set up against one another in that way (illustrating), and chips packed in above that. Some of these stones have a smaller bearing on the subsoil than others, some have to bear a smaller and some a larger pressure from the top. With careless laying the smaller end may be down and the broad end up. In that way they become punched down in, and the road is made uneven. So I prefer the macadam, because the bearing is more even on the sub-bed.

Q. However that is, that road is built the same way from one end to the other?

A. Yes.

Q. Is it a fact that four or five hundred men were working on that road practically without any superintendence, at any time?

A. Oh, no. The sub-foreman had charge of the road under Mr. Shea, and Mr. Shea received his instructions from me.

Q. It is a fact, as testified to, I think, by Mr. Jeffery, that on one occasion there you preferred loam to filling, for the reason that you were getting it cheaper?

A. Well, that had reference to the loam spread at the Greeting, at Franklin Park.

Q. Yes — that is so.

A. We didn't want any filling there — we wanted loam. As I explained in direct examination, we prefer to grade, where the undulations are light, entirely with loam. It is cheaper.

Q. And the placing of the loam in the cellars there — you explained that in your direct examination, too?

A. Mr. Shea did.

Q. Yes, I should say Mr. Shea.

A. He is practically correct in that.

Q. Do you pass upon these applications for teams, personally — this form that they fill out?

A. No. That is conducted altogether in the office.

There is a clerk who receives the applications and looks them up, to see that the applicant is a taxpayer and has paid his taxes on the team for which he is bidding.

Q. And you wouldn't know anything about that, particularly?

A. No. There are cases that are doubtful, where my attention is called to them, and I decide whether they are eligible or not.

Q. Now, Mr. Pettigrew, in the last three years how much of the work that has been done on the park system has been let out to sub-contractors?

A. All the walls. The superstructures of the walls are contracted for, and the foundations are put in by the Park Commission. The administration buildings, including the repair shop and stable, and the improvement of the piece of ground between Beacon street and the Charles river, at Charlesgate, were contracted for, as well as the Strandway sea wall and the filling behind it. I don't remember anything else just now.

Q. Do the Commissioners ever make a stipulation in a contract with sub-contractors that citizens shall be employed on the work?

A. It is in all contracts. The city contract has that stipulation.

Q. Do you know that that stipulation has always been complied with?

A. I do not. There was a complaint once of a contractor building a wall around the Arboretum, that he was not complying with it. I tried to find out, but I couldn't make any headway. They were all Italians that were working on the work, and I gave it up.

Q. That was called particularly to your attention, was it?

A. That was called to our attention by the Mayor, I think.

Q. Do you recall anybody calling to your attention the fact — if it was a fact — that certain sub-contractors said they couldn't take contracts, because they couldn't possibly make any money out of them and pay living wages to the men?

A. No, I haven't heard that.

Q. That wasn't reported to you? Did you ever propose to cut down any number of trees along Commonwealth avenue?

A. Yes, I did.

Q. Did you have any controversy with Mr. C. H. Bond on that matter — receive any complaint from him?

A. There was a gentleman came out. I drew attention to some trees — merely suggested to the Commissioners which trees I thought ought to be cut out from Commonwealth avenue to make a better growth of grass there and give the other trees more room to develop, and a gentleman — I don't know the gentleman's name — but a small gentleman — had a conversation with me about it — had no controversy with me. We discussed the matter. He was a little excited.

Q. As you remember it, do you think you contemplated cutting down as many as — well, one in every two trees there, removing every other tree?

A. No, there wouldn't be as much cutting as that. It is pretty hard to do anything there to make a symmetrical arrangement of the trees, on Commonwealth avenue. It ought to be symmetrical, because everything on Commonwealth avenue is on symmetrical lines. There were probably, in the two blocks in which I marked trees, I don't think more than a dozen or fifteen that I marked—merely a suggestion, to show the Commissioners what my idea would be. I didn't expect that they would ever be cut down or that my suggestion would be approved.

Q. Well, that idea was abandoned?

A. That idea was abandoned.

Q. Has Mr. Dawson's place been filled?

A. No, — well, in a way it has. I took one of the gardeners from the Riverway and gave him a horse and wagon to keep the other gardeners supplied with planting material. In that respect there is a man in Mr. Dawson's place, temporarily.

Q. That is Mr. McNulty?

A. Mr. McNulty, yes.

Q. Will he be called upon to do any scientific planting?

A. No. The planting is all arranged by myself.

Q. All arranged?

A. I make rough sketches on outline plans of the areas that are to be planted, and he simply fills them in with the plants that I indicate.

Q. Then, until a successor is appointed to Mr. Dawson, if one is appointed, you yourself will do practically the work that Mr. Dawson had in charge?

A. Yes.

Q. Is this Mr. McNulty a competent gardener?

A. Yes, a very good gardener.

Q. And you say he is as good a gardener as Mr. Fischer — if that is the gentleman's name?

A. Yes. I selected him because I thought he was the most competent of the gardeners that I had. We have six or seven of such men.

Q. Well, hasn't his experience in the department, Mr. Pettigrew, been rather limited?

A. Whose? McNulty's?

Q. Yes.

A. Yes, but he has had experience elsewhere. I can discern that from his conversation. I don't know just where. He has had experience in Scotland, and I think in England, too.

Q. Well, he hasn't been over from England very long, has he?

A. I don't know. He is a Scotchman.

Q. Well, would you say he had been in the country more than four years?

A. I don't know. I should think he had.

Q. Have you ever heard that before going to work as a laborer in the parks he had worked in a factory?

A. I have not.

Q. Is there a twine factory out there?

A. I don't know about that.

Alderman GERRY. — There is a twine factory at Jamaica Plain; yes.

Q. (By Mr. LUNDY.) Well, you had not heard that that was where he worked before he went into the Park Department?

A. No.

Q. You were not here when Mr. Fischer applied for that position, at the time when Mr. Dawson got it, were you?

A. Yes.

Q. Do you remember his application?

A. Yes; he made an application to me for it.

Q. And you remember that he has renewed that application?

A. Yes; he has an application now for the same position — made an application at the same time that Mr. Dawson did.

Q. But you considered Mr. McNulty better fitted for it?

A. I thought so; yes.

Q. Do you recall the incident of Commissioner Prendergast calling to your attention, indirectly, at least, the quality of loam that one of the contractors was supplying?

A. Yes.

Q. Do you remember that you investigated that point very thoroughly, on the complaint?

A. Well, it was some time afterwards — I remember now. Mr. Prendergast wrote me a letter — no, he spoke to

me at one of the meetings about it, and I told him that there was nothing in it. Said he had heard that one of the contractors stated that he could supply dock mud or anything else for loam to the Park Department. I told him I didn't think there was anything in it, and the subject dropped. He happened to mention it again, so I wrote to the contractor, and the contractor came up to see me about it, and he told me there was nothing in it. That is as far as I went with the matter. I told Mr. Prendergast that I spoke about it.

Q. The paving work, the original work of paving the gutters at Peter's Hill, was done by a man named Dolan, wasn't it?

A. He did a small part — the work around Peter's Hill was done by Gore.

Q. Well, didn't Gore do the rebuilding?

A. He did the rebuilding of a small part. There was a connection to be made after the road around Peter's Hill was finished — we had a connection to make across the valley, which was not finished at the time the road around the hill was completed, and Mr. Dolan paved that across there. There was a piece about 210 feet in length.

Q. Now, with regard to Mr. McShane — did you think it desirable generally to have ashes for filling out there?

A. Well, we encouraged Mr. McShane to bring ashes, for the reason that we could use the ashes for levelling up the old ground there for the ball players. There were a number of ditches and depressions that the ashes made better filling for than the gravel we were putting in. But he didn't bring much ashes there, and when he brought a load of ashes suited for that purpose it was dumped in as filling — just as good as any filling he could bring.

Q. Well, was it worth, Mr. Pettigrew, forty cents, the amount that was being paid?

A. Yes.

Q. Was it worth just as much as actual filling? You know what I mean?

A. In that place it was worth just as much, yes.

Q. Well, generally speaking, it would not be?

A. Why, yes, indeed, if you have a certain space to be filled ashes is just as good as gravel, provided it will serve the purpose. In that case it did serve the purpose.

Q. You don't know where he got those ashes, do you?

A. No, I do not. There was not very much that he brought there. I don't think he brought half a dozen loads altogether — didn't bring as much as we wanted.

Q. Do you know anything about the piling up of loam around the roots of trees out there? I haven't got my hand on the testimony now.

A. Yes, that isn't exactly the way of it, but I know what you mean.

Q. Yes.

A. In some of the plantations, where the soil was thin and water had come in and had washed away soil that had been loosened up by the movement of the feet of the picnickers, and so on, where it had been washed down to the base of the hill, we re-enforced these plantations with six to eight inches of loam, spreading it right through the plantation. In some cases the loam was so worn off and washed off that the roots of the trees were exposed. That placing of loam there was done for the benefit of the trees, and I think they showed the effect of it the first season.

Q. One point, Mr. Pettigrew. There was some testimony given here about an emaciated horse that was sold for a very small sum comparatively?

A. That was a horse that was bought among a lot of ten or twelve by Dr. Peters and it didn't turn out very well, and it became so emaciated, as you say, that it was a disgrace to be seen around the place. So I told Mr. Shea to sell it.

Q. And you haven't since that time seen him working in the park for this contractor, have you?

A. Well, may be — I don't notice horses very much. He may have worked in the park for all I know, but I don't think so. I sold the horse to Mr. Dolan myself for the equivalent of $60, made a trade with him, he building a catch-basin for it. I wouldn't have given $25 for the horse myself.

Q. How much do you see of Professor Sargent out around the Park system?

A. Well, I have usually seen Professor Sargent, I should think, about once a week.

Q. Does he ride around there at all?

A. He rides around with me, and with the commissioners.

Q. Well, he is there rather more often than the commissioners, isn't he?

A. No; they are usually together. They usually spend Sunday in that sort of business — Sunday afternoon.

Q. Do you follow his suggestions pretty closely?

A. Well, yes. They are pretty good. I seldom disagree with Professor Sargent.

Q. Do you remember of any suggestions Professor Sar-

gent has made in regard to the laying out of the park which have not been complied with?

A. No, I can't remember of any, except in very minor details.

Q. Well, shouldn't you say, Mr. Pettigrew, that Professor Sargent does practically shape the policy of the park arrangements — I mean in regard to landscape methods?

A. He has in a great measure, yes.

Q. Now, what special recommendation do you make in your report to the Park Commissioners this year, Mr. Pettigrew, if any?

A. Well, there are some suggestions for work to be done, provided we get more money — principally consisting of sanitary buildings and shelters for the Park Department, the completion of some grading which is required to be done in Franklin park, the completion of the improvement of the ground between Beacon street and Charles river, or Charlesgate.

Q. Would you say, Mr. Pettigrew, that the work on the park system in the last year has progressed as rapidly and as completely as it should?

A. Last year.

Q. Yes; last year, for example.

A. Yes; pushed the work pretty well last year.

Q. And accomplished about all you contemplated?

A. Yes.

Q. Do you know anything, Mr. Pettigrew, about the covering up of tree stumps with the distinct purpose of concealing them from the public.

A. Yes.

Q. That is, I mean, with the idea of deceiving the public?

A. No, not for that purpose. We covered them up for the purpose of concealing them.

Q. Yes; for that artistic end?

A. Precisely. It is a common practice through all park departments to do that.

Q. And you agree, I suppose, that Professor Sargent's directions have been generally in sympathy with those of Mr. Olmsted?

A. Oh, yes. I know that Professor Sargent had a very high regard for Mr. Olmsted, and very often spoke about it — regard for him as a landscape gardener, landscape architect, as well as a friend.

Q. The watering carts have been gone into all right. It was Coleman the gravel was given to, wasn't it, for carting away, or Coburn?

A. Coleman, yes. I made arrangements with Coleman to take out the gravel, and he took it away and paid me ten cents a cubic yard for doing it.

Q. Did you understand that he was using it on any work he was then doing?

A. Oh, yes.

Q. For the Park Department?

A. No, not for the Park Department, but for the city. He was filling a street between Huntington avenue and the Fenway.

Q. He certainly must have used it at a profit?

A. Well, it was a profitable arrangement for the Park Department. I don't know whether he made any money out of it or not. I guess he did not, because he deposited it on a swampy piece of ground and it sunk pretty nearly out of sight. He had to use twice as much as he intended to make the road.

Q. You say that the Park Department has never purchased anything from that nursery man who had permission to take the seeds?

A. Oh, yes.

Q. I mean, whether it has purchased anything of the same character back?

A. Oh, no. The seeds he has permission to pick, there are millions of them that can be picked by ourselves or any one else, when they are wanted.

Q. You advance it as your opinion that it is more economical to build many catch-basins in narrow gutters, both for appearance and utility?

A. Not for appearance, but a wide gutter is an extravagance. The gutter is no part of the roadway for driving.

Q. No?

A. And a narrow gutter is more economical, gives more room for driving, and when the catch-basins are put close together they take the water before it gets much volume.

Q. The plan adopted on Peter's Hill made the gutters a little more narrow and with more catch-basins in them.

Q. Oh, Mr. Pettigrew, on the question of the purchase of supplies, where do you get your hardware?

A. I have seen bills from Bigelow, Dowse & Company — I think that is the name of the firm.

Q. Do you buy from more than one firm?

A. Yes.

Q. Are those sales made by bids?

A. Well, in the case of tools, or anything like that, tha we may get a stock of in the spring time, we take bids with

samples, and Mr. Ogden and I look over the bids and samples and select those that seem to be cheapest and best for the work.

Q. Do you recall any occasion where the lowest bid, all other things being equal, was rejected?

A. No, not a case — didn't always take the lowest bid. The quality or style of the goods entered into consideration. If the quality of the goods overcame the difference in the price, we took the better goods.

Q. That is what I mean — other things being equal.

A. Yes — that is what I mean. Other things being equal, we took the lowest bids.

Q. You said something about a trip to Delaware with Professor Sargent. That could not have been on city business at all, could it?

A. Yes. The Commissioners were visiting different parks for experience sake, and asked me to go on with them. We went through the parks at Baltimore, in Wilmington, Delaware, and Central Park, I think, on that trip.

Q. Any of the Commissioners with you?

A. Yes.

Q. Mr. Pettigrew, did you know of any work being done by your gardeners inside of the Arboretum? Do you know of any work being done inside?

A. Not by the gardeners. I took up a grass strip there. I made arrangements with Professor Sargent that if he would plant a grass strip that we had to care for — if he would plant it with roses, I would dig it up for roses. He agreed to do it, and it was done. That was in the line of economy for the department.

Mr. LUNDY. — I think that is about all, Mr. Chairman.

Q. (By Alderman GERRY.) I would like to ask Mr. Pettigrew one or two questions. Was it in the contract with Harvard College that that road on Peter's Hill must be built?

A. Yes, it was in the contract with Harvard College that the Park Department should build all the roads there.

Q. But I mean that particular road. Was it necessary for the city to build that road on Peter's Hill?

A. I am not quite sure about that, but I think the contract specifies that the road shall be completed at a certain time.

Q. That road around the hill?

Mr. MATTHEWS. — The contract is in evidence, in the annual reports.

Q. (By Alderman GERRY.) Well, the contract was

made with Harvard College that they would build a road around that hill before a certain time?

A. Yes, I think so.

Q. How much did that road cost?

A. There is about a mile of it. It would cost about $30,000 a mile, I think.

Q. Who is the engineer who drew the plan for that road?

A. Olmsted, Olmsted & Eliot.

Q. Do you consider that that road accomplished anything?

A. Well, it is probably a little ahead of time. It is a connection, through Fairview street —

Q. Yes, I know, and it cost $30,000.

A. (Continuing) — and it enables the planting to be done. It could not very well be done without the grading of the road and the slopes adjoining. They are now planting that part of the Arboretum.

Q. But, still, you don't claim that, as a matter of scenery or beauty or anything of that kind, that road accomplishes much of anything?

A. Yes, I do. I think it looks upon some of the finest views in the neighborhood of Boston. They are not to be equalled anywhere.

Q. I would like to go out there with you some time.

A. I would be very glad to take you.

Q. There is a terrible grade on that road?

A. An eight per cent. grade. That is a pretty heavy grade, but it could not be better.

Q. Can you tell me why the road was not continued to the top of the hill?

A. Well, Mr. Sargent suggested that that might be left off, in the interest of economy, as any person who wanted to go up there might walk up. There would be a steeper grade to the top of the hill, and he thought that very few people would like to drive it. He thought that if they wanted to go to the top of the hill and get an extended view they would walk up.

Q. Is there anything accomplished by it more than there is by the Overlook, in Arnold Arboretum?

A. Yes, there is a more extended view than even in the Arboretum hill.

Q. Mr. Pettigrew, will you be kind enough to tell me if there is any politics in the Park Department? I don't mean Democratic politics or Republican politics — I don't think there is any of that — but isn't there a great deal of personal politics in the Park Department, as conducted by yourself, and as conducted by some of your inferiors in station?

A. I do not think there is any politics in the Boston park system.

Q. No personal politics?

A. No personal politics.

Q. Well, can we rely upon you to see that there is no personal politics connected with that system so long as you stay there?

A. I think you may safely do so.

Q. Will you be kind enough to tell me, in reference to any of the men who have been suspended, and who have appeared in this investigation here, whether or not when the time comes that you need any men, you will give those men a fair chance with the others?

Mr. MATTHEWS. — If that question is intended to commit the department to their reinstatement, I shall have to object to it being answered.

Alderman GERRY. — Well, no given man — only a general principle?

Mr. MATTHEWS. — They shall all have a fair chance, so far as Mr. Pettigrew is concerned. That is all he can do. He cannot answer for the Commissioners.

Alderman GERRY. — He didn't answer the question.

The WITNESS. — I didn't answer the question, because it is pretty hard to say what I would do. There is one man now at work that testified at this investigation.

Q. (By Mr. MATTHEWS.) That testified against the Commission?

A. Yes, sir.

Q. (By Alderman GERRY.) Who is that?

A. Mr. Dolan. He is a very good man.

Mr. LUNDY. — He wasn't more than willing. I can tell you that.

Mr. MATTHEWS.—That is a fair answer.

Alderman GERRY. — Oh, yes. I only asked because the criticism has been made that those people would be made victims of this investigation, and wanted his assertion that that would not happen.

The WITNESS. — I never said so.

Alderman GERRY. — I don't know as I care, at this late hour, to go on any further.

Q. (By the CHAIRMAN.) Mr. Pettigrew, there was some testimony given here that I think, as long as you are here, it would be just as well for you to answer. I know nothing about it, only the matter was referred to. I do not know of anyone from whom a denial should come any more properly than from yourself. A young man by the name of Kelly

testified here. I suppose you know whom I mean — William Kelly, I think it was, or William P. Kelly. I rather think his testimony should be set aside by yourself. He made some reference to having some conversation with you in one McShane's yard. I would like to ask you if you had any conversation with him in McShane's yard?

A. I don't even know where McShane's yard is. I never was in his yard in my life.

Q. Never was there?

A. Never was there.

Q. Another reference was made to money matters. You have heard that, or read it?

A. I have read it.

Q. I understand that no money transaction ever occurred between you and Kelly?

A. No, sir.

Q. Another reference was made, which I think was perfectly proper. Did you ever hear of any charges of drunkenness brought against Mr. Weidener?

A. No, sir.

Q. You never did?

A. No, sir.

Q. You saw that reference was made to it?

A. Yes, sir, I saw it in the testimony.

Q. I asked you about it because I thought that should be brought to your attention. You say nothing of the kind was ever brought to your attention?

A. It was not, and I never noticed it on him. I think he must be a very temperate man.

Q. I know nothing about it other than it was brought up in testimony, and I thought that if such was the case you might know something about it. Now, Alderman Gerry has asked you about the men who have testified here, but I also want to ask you. Of course, you understand that any men who testified here and are working now in the Park Department, or who have had work there and were suspended, came here under summons?

A. I understand that, sir.

Q. Whether they testified truthfully or not is, of course, another thing, but they came under a summons, and, of course, the committee had the power to bring them here, whether they wanted to come or not. The committee feel that they should not be injured through their coming here and testifying under oath.

A. I don't think there will be any injury to them.

The CHAIRMAN. — That is all I wanted. Since Alderman

Gerry brought the matter up, I thought it well to have it settled.

Alderman GERRY. — Mr. Chairman, I would like to introduce this as an exhibit. Mr. Matthews is willing.

(The pamphlet presented by Alderman Gerry was marked "Exhibit 139.")

The CHAIRMAN. — Does the committee understand that the case of the Park Commissioners is in?

Mr. MATTHEWS. — Yes, sir.

The CHAIRMAN. — And the case of the committee is in. Now, let us understand when the counsel on both sides desire to be heard in argument.

Mr. MATTHEWS. — As I said, I shall be ready personally within three or four days after we can get the evidence in page form. I want to see it in page form, so that I can refer to it by pages, and I think that in three or four days after that I can be ready to argue the case.

The CHAIRMAN. — How many days do you suppose it would take in all?

Mr. MATTHEWS. — Well, I was just asking the clerk, and he thinks it may be nearly a week before we can get the testimony in page form.

The CLERK. — I haven't the slightest idea you can get it any sooner than that.

Mr. MATTHEWS. — How would this suggestion do, to leave the date to be fixed by the Chairman? I will communicate with Mr. Lundy just as soon as we get the evidence in page form, and we can agree upon a date; and if that date should be satisfactory to the committee we can come in and argue the case.

The CHAIRMAN. — I was thinking about ten days from to-day. Will that be time enough?

Mr. MATTHEWS. — That will be time enough, if we can get the evidence in time.

The CHAIRMAN. — Well, the clerk thinks you can get the evidence in a week, and that will give you three days after you get it. This is the 1st and that would be the 11th of the month — a week from next Friday.

Mr. LUNDY. — How about that trip through the park system?

Mr. MATTHEWS. — Yes — I would like to have the committee make that trip. Suppose the Chairman fixes a week from Friday for the arguments, subject to change in case we cannot get the evidence in time; and then what shall we do in regard to the view?

(The members of the committee held an informal consultation in regard to fixing a day for the view, and for the arguments.)

The CHAIRMAN. — The committee have decided that it will make the visit to the park system on the 11th, and that it will meet to hear the arguments on the following Tuesday.

Adjourned at 11.55 P.M.

EXHIBIT 111.

MAINTENANCE APPROPRIATION ESTIMATES, 1900–1901.

December 20, 1899.

HON. JOSIAH QUINCY,
Mayor:

DEAR SIR, — We herewith submit our estimates of appropriation necessary for maintaining the parks and playgrounds under the charge of this department for the fiscal year 1900–1901.

In these estimates no allowance has been made for possible abatement by the City Council, but they have been reduced to the lowest possible figure for respectable maintenance.

We estimate the income of the Department at $2,000.00.

Yours respectfully,

(Signed) CHARLES E. STRATTON,
Chairman.

MAINTENANCE ESTIMATES.

	Expenditures. 1899–1900.		*Estimates.* 1900–1901.	
COMMONWEALTH AVENUE:				
Grounds,	$1,086 24		$1,200 00	
Roads and walks,	9,908 21		11,000 00	
Drainage,	401 36		400 00	
Stable supplies,	1,189 49		1,200 00	
General work,	204 12		250 00	
Stable equipment,	47 87		75 00	
		$12,837 29		$14,125 00
THE FENS:				
Grounds,	$2,146 05		$2,500 00	
Roads and walks,	7,878 33		10,000 00	
Drainage,	395 62		400 00	
Stable supplies,	1,044 15		1,100 00	
" equipment,	199 44		250 00	
Live stock,	107 48		110 00	
General work,	225 62		400 00	
		11,996 69		14,760 00

	Expenditures. 1899–1900.		Estimates. 1900–1901.	
RIVERWAY:				
Grounds,	$563 88		$1,000 00	
Roads and walks,	3,371 59		5,000 00	
Drainage,	93 55		100 00	
General work,	187 70		200 00	
Buildings,	1,335 26		1,400 00	
Stable supplies,	322 87		320 00	
" equipment,	32 50		50 00	
" building,	251 03		330 00	
		$6,158 38		$8,400 00
LEVERETT PARK:				
Grounds,	$986 99		$1,100 00	
Roads and walks,	2,387 79		2,700 00	
Drainage,	196 14		200 00	
General work,	50 60		75 00	
Stable supplies,	39 68		100 00	
Boat service,	19 20			
		3,680 40		4,175 00
JAMAICA PARK:				
Grounds,	$1,265 62		$1,500 00	
Roads and walks,	3,650 12		4,000 00	
Drainage,	48 95		50 00	
Buildings,	1,839 75		1,900 00	
Stable supplies,	97 67		100 00	
General work.	241 63		250 00	
Boating service,	46 97			
Signs and notices,	4 25			
Skating,	515 14		600 00	
		7,710 10		8,400 00
ARBORWAY:				
Roads and walks,	$3,565 61		$3,800 00	
Grounds,	289 16		350 00	
Drainage,	22 66		50 00	
General work,	20 50		100 00	
		3,897 93		4,300 00
ARBORETUM AND PETER'S HILL ADDITION:				
Grounds,	$18 00		$500 00	
Roads and walks,	3,060 41		6,000 00	
Drainage,	49 22		50 00	
General work,	127 73		150 00	
Live stock,	15 66			
Stable equipment,	1,262 32		1,400 00	
Signs and notices,	4 26			
		4,537 60		8,100 00
WEST ROXBURY PARKWAY:				
Roads and walks,			$500 00	
Grounds,	$251 95		400 00	
Buildings,	12 50			
Drainage,	65 56		200 00	
General work,	10 32		200 00	
		340 33		1,300 00
FRANKLIN PARK:				
Grounds,	$7,225 01		$9,500 00	
Roads and walks,	13,632 67		14,800 00	
Buildings,	5,126 95		5,300 00	
Sheep fold,	113 80			
General work,	984 50		900 00	
Boating service,	10 00			
Live stock,	223 45		250 00	

	Expenditures. 1899–1900.		*Estimates.* 1900–1901.	
Stable supply,	$3,005 47		$3,300 00	
" equipment,	2,905 08		3,100 00	
Drainage,	242 55		250 00	
Stable building,	112 02			
Signs and notices,	4 25			
		$33,585 75		$37,400 00
DORCHESTERWAY:				
Grounds,	$20 00		$25 00	
Roads and walks,	349 23		350 00	
Drainage,	20 00		25 00	
		389 23		400 00
MARINE PARK:				
Grounds,	$4,872 12		$5,000 00	
Roads and walks,	1,043 44		1,500 00	
Buildings,	1,530 37		1,700 00	
General work,			500 00	
Drainage,	28 70			
Grounds,	287 02			
Castle Island bridge,	271 65			
Boating service,	29 75			
Skating,	17 13			
		8,080 08		8,700 00
CHARLESBANK:				
Grounds,	$2,163 02		$2,250 00	
Roads and walks,	518 60		600 00	
Men's gymnasium,	3,973 64		4,000 00	
Women's gymnasium,	2,890 96		3,000 00	
Skating,	791 60		800 00	
General work,	21 53		100 00	
Drainage,	5 09			
		10,363 44		10,750 00
WOOD ISLAND PARK:				
Grounds,	$596 60		$600 00	
Roads and walks,	195 30		200 00	
Field House,	2,677 83		3,200 00	
Men's gymnasium,	2,168 64		2,200 00	
Skating,	691 12		700 00	
General work,	124 29		125 00	
Drainage,	38 06		50 00	
Men's building,	57 00		60 00	
Women's building,	50 25		60 00	
		6,599 09		7,195 00
CHARLESTOWN HEIGHTS:				
Grounds,	$1,166 60		$1,200 00	
Roads and walks,	141 21		150 00	
Buildings,	610 34		1,000 00	
Drainage,	12 16			
General work,	20 35			
		1,950 66		2,350 00
CHARLESTOWN PLAY-GROUND:				
Grounds,	$230 59		$250 00	
Buildings,	6 00			
Skating,	589 91		600 00	
		826 50		850 00
DORCHESTER PARK:				
Grounds,	$35 81		$100 00	
Roads and walks,	8 75			
Skating,	8 06		25 00	
		52 62		125 00

	Expenditures. 1899–1900.		Estimates. 1900–1901.	
FRANKLIN FIELD:				
Grounds,	$1,100 66		$1,200 00	
Sheep fold,	1,847 58		1,850 00	
Buildings,	279 78		280 00	
Skating,	1,355 95		1,350 00	
Drainage,	13 25		25 00	
General work,	42 00		75 00	
Live stock,	2 00			
		$4,641 22		$4,780 00
PARK DEPARTMENT:				
Salaries,	$7,642 19		$7,750 00	
Telephone and expenses,	705 66		800 00	
Printing,	727 03		750 00	
Carriage hire,	384 50		400 00	
Stationery,	102 97		125 00	
Office furniture,	126 25		150 00	
Travelling expenses,	173 37		175 00	
Expense fitting up 64 Pemberton square,	156 90			
		10,018 87		10,150 00
NORTH END BEACH:				
Grounds,	$557 93		$300 00	
Roads and walks,	13 78			
Men's building,	99 22		4,000 00	
Women's building,	469 30		2,500 00	
Skating,	138 24		500 00	
Pier,	38 03			
General work,	85			
		1,317 35		7,300 00
COPP'S HILL TERRACES:				
Grounds,	$372 56		$500 00	
Engineers,	3 00			
		375 56		500 00
NORTH BRIGHTON PLAY-GROUND:				
Grounds,	$63 64		$200 00	
Engineers,	82 35			
		145 99		200 00
BILLINGS FIELD:				
Skating,	$717 39		$750 00	
Grounds,	294 10		300 00	
Roads and walks,	8 00			
Drainage,	26 08		150 00	
		1,045 57		1,200 00
NEPONSET:				
Grounds,	$737 53		$800 00	
Roads and walks,	41 14			
Drainage,	4 66		150 00	
Skating,	502 70		500 00	
Grading,	91 56			
Loam,	241 99			
Filling,	173 23			
		1,792 81		1,450 00
FIRST-STREET PLAY-GROUND:				
Grounds,	$542 48		$600 00	
Roads and walks,	9 55			
Skating,	901 81		900 00	
Tool-house,	132 18			
General work,			150 00	
Settees,	41 18			
		1,627 20		1,650 00
FELLOWS-STREET PLAY-GROUND:				
Grounds,	$78 22	78 22	$100 00	100 00

	Expenditures. 1899–1900.		*Estimates.* 1900–1901.	
MYSTIC PLAYGROUND:				
Grounds,	$17 56			
Engineers,	7 25		$50 00	
		$24 81		$50 00
CHRISTOPHER GIBSON PLAYGROUND:				
Grounds,	$510 35		$550 00	
Roads and walks,	20 66		50 00	
Skating,	300 72		350 00	
General work,			100 00	
Grading,	419 89			
Buildings,	7 50		350 00	
Gutters,	67 10			
		1,326 22		1,400 00
CHESTNUT HILL:				
Grounds,	$1,639 72		$1,700 00	
Roads and walks,	1,758 97		3,000 00	
Building,	2 25			
Drainage,	50 78		100 00	
General work,	22 07		50 00	
		3,473 79		4,850 00
TRINITY TRIANGLE:				
Grounds,	$60 12			
Engineers,	3 85		65 00	
		63 97		65 00
NORTH END PLAYGROUND:				
Grounds,	$294 56		$350 00	
Roads and walks,	14 62			
		309 18		350 00
ROGERS PARK:				
Grounds,	$693 85	693 85	$800 00	800 00
COLUMBUS-AVENUE PLAYGROUND:				
Grounds,	$4 50		$500 00	
Skating,			900 00	
		4 50		1,400 00
ASHMONT PLAYGROUND:				
Grounds,			$500 00	
Skating,			900 00	
				1,400 00
FOREST HILLS PLAYGROUND:				
Skating,			$900 00	
Care of grounds,			600 00	
				1,500 00
ROSLINDALE PLAYGROUND:				
Skating,			$900 00	
Care of grounds,			600 00	
				1,500 00
SAVIN HILL PLAYGROUND:				
Care of grounds and beach,			$600 00	600 00
PARIS-STREET GYMNASIUM:				
Gymnasium,	$54 80	54 80		
		$140,000 00		$172,575 00
Add 11 per cent. for reduced hours of labor on $100,851 to be spent for labor,				11,093 00
				$183,668 00

EXHIBIT No. 112.

January 16, 1900.

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF BOSTON:

We have about $50,000 of the funds for Park Construction available for continuing work by our day labor force. This will last but a short time, and we shall be under the necessity of laying off the men employed in this work unless additional funds are appropriated.

We estimate the amount necessary to complete the Parks at $250,000, and we respectfully request an appropriation of that amount.

CHARLES E. STRATTON,
LABAN PRATT,
JAS. M. PRENDERGAST,
Board of Park Commissioners of the Department of Parks.

EXHIBIT No. 113.

The Unity Company,
79 Dearborn st., Chicago.

March 20, 1900.

J. A. PETTIGREW, Esq.:

DEAR SIR, — Your favor of the 18th is at hand. In answer to a letter from Mr. Joseph Lundy, Room 222, 23 Court street, Boston, on this subject I have written as follows: "My recollection is that there was nothing that reflected on the character of Mr. Pettigrew as a man, or on his integrity as an officer, at the time his connection was severed with Lincoln Park. The Board had to construct an extensive sea-wall and decided to employ a regular civil engineer as Superintendent. For further information I would refer you to Hon. Andrew Crawford, Ashland Block, Chicago, who was President of the Board at the time." Believing that this covers the subject, I am,

Very respectfully yours,
JOHN P. ALTGELD.

EXHIBIT No. 114.

53 STATE STREET,
BOSTON, Dec. 18, 1896.

J. A. PETTIGREW, Esq.,
Department of Parks, Brooklyn, N. Y.

MY DEAR MR. PETTIGREW:

Yours of the 16th to me personally and accepting the situation as Superintendent of our Parks, has been received. I regret that the telegram which was sent you, which read as follows: "We cannot release you, see letter mailed to-day by Mr. Stratton," should have been capable of any misinterpretation. How it could possibly have been twisted, is a mystery. For the purposes of making investigation of the telegraph company, will you kindly send telegram as received by you to me, as I would like to bring the matter to the attention of the W. U. Tel. Co., as there is no excuse for such an error, as it was not an alteration of a word, but the omission of a word, and I am very sorry that the proposition was made all the more hard for you by the error which has crept into our negotiations.

You will understand that we are to give you ample time, that you may not embarrass the authorities of the Brooklyn Parks. I should suggest that you might come over here, possibly along 1st Jan'y, to spend a Saturday and Sunday with us. We can then go over the matter and get things in shape before you come here.

I remain

Yours very truly,

E. C. HODGES.

P. S. I have given a statement to the papers to-night saying that your acceptance has been received and that you will come here to take charge of our parks.

EXHIBIT No. 115.

943 TREMONT BUILDING,
BOSTON, Sept. 6, 1898.

HON. BOARD OF PARK COMMISSIONERS, JAMAICA PLAIN:

GENTLEMEN, — We would hereby respectfully request the privilege of depositing upon your land at Neponset, gravel filling — as and where directed — same to be at your option to purchase on opportunity at the rate of forty (40) cents per cubic yard.

And at Brighton at the rate of fifty (50) cents per double load.

Above submitted for your consideration by

Yours truly,

FRANK G. COBURN & CO.

R.

EXHIBIT No. 116.

Sept. 1, 1898.

THE PARK COMMISSIONERS:

Will you permit me to store excavated material of good quality on the Neponset Playgrounds, and I will agree to sell the same to you when you may need it at forty (40) cents per cubic yard. Further, the conditions are that I may be permitted to deliver the material in such quantity over the surface of the part of the marsh which has been underdrained as to make a covering eight inches in thickness, the Park Department to do all the necessary spreading and leveling.

J. A. KING, Dorchester, Mass.

EXHIBIT No. 118.

Loam delivered to the Park Department from Jan. 1, 1899, to Sept. 30, 1899.

Sept. 30, 1899,	Commonwealth avenue,	814.84	cu.	yds.	loam
" " "	The Fens,	1,506.01	"	"	"
" " "	Riverway,	3,010.50	"	"	"
" " "	Leverett Park,	5,069.44	"	"	"
" " "	Jamaica Park,	6,469.37	"	"	"
" " "	Arborway,	1,506.59	"	"	"
" " "	Arnold Arboretum,	707.77	"	"	"
" " "	West Roxburyway,	145.90	"	"	"
" " "	Franklin Park,	14,145.90	"	"	"
" " "	Marine Park,	39.78	"	"	"
" " "	Columbia road,	53.00	"	"	"
" " "	Neponset Playground,	589.17	"	"	"
		34,058.27			

Grand total, 34,058.27 cubic yards loam.

G. W. T.

EXHIBIT No. 119.

(*Letter from Superintendent Pettigrew, regarding purchase and disposition of Loam in 1898—1899.*)

BOARD OF COMMISSIONERS OF THE DEPARTMENT OF PARKS.

JAMAICA PLAIN, MASS., February 14, 1900.

CHARLES E. STRATTON, Esq., *Chairman:*

DEAR SIR,—I beg to submit this statement regarding the purchase and disposition of loam, during the past two years. In 1898 the amount used was 189,804 cubic yards, while in 1899, 79,353.51 cubic yards were used. These quantities were apportioned as follows:

	1898. Cubic yards.	1899. Cubic yards.
Commonwealth avenue		814.84
The Fens	11,607.88	5,485.23
Riverway		3,090.99
Leverett Park		17,974.72
Jamaica Park	29,177.39	13,247.31
Arborway		2,599.61
Arnold Arboretum		1,323.77
Franklin Park	125,291.02	32,238.17
Charlesbank	4.56	700.50
Charlestown Heights	425.00	
Marine Park	467.55	39.73
" " Natural History Pools	17,996.00	
North End Park	773.78	
Fellows-street Playground	92.22	
Neponset Playground		589.17
Columbia road		53.00
Strandway		1,196.22
Franklin Field	3,968.60	
	171,808.00	79,353.51

1898,	171,808.00	cubic yards loam at 66⅔ ¢		$114,527 21
"	17,996.00	" " $1.00		17,996 00
1899,	79,353.51	" " 66⅔ ¢		52,897 04
Total,	269,157.51		Total,	$185,420 25

Take as an example the item for Franklin Park in 1898, 125,000 cubic yards. At 12 inches deep this would cover 78 acres. At that date we were constructing the Glade and grounds adjoining; the depth of loam applied was at no part less than 12 inches in thickness, whereas the greater part was given 20 to 24 inches. Further, where plantations were intended, inequalities of surface were filled with loam. At 66⅔ cents per cubic yard it was a cheap material to grade with, besides having greater value as a plant food than common filling would have. Throughout the old woodlands bordering the Glade, the loam was spread 6 to 10 inches in thickness.

The same method has been employed throughout the Park System, wherever we have had light grading to do. Instead of following the old plan of removing the loam and grading the subsoil, then replacing the loam, we have simply graded with loam, getting thereby an added depth of loam at about the same cost, the low cost of loam making this possible.

At Marine Park 17,996 cubic yards were used at the Natural History Pools. The area is 7.4 acres; the depth of loam is from 12 to 24 inches, varying with conditions of grade and quality of subsoil.

No loam has been purchased, during the past two years, for Wood Island Park. The piles on hand there, have, during these two years, been spread over the island and trees planted.

The only record I can find of a Brookline contractor furnishing loam, is that of J. H. Crane, who supplied us with 228 cubic yards in September, and 508.32 cubic yards in November of 1899.

There is still a large part of Franklin Park which cannot produce good tree growth, on account of its sterile character; the soil is thin and poor and in need of reinforcement. Take, for instance, the Wilderness, the slopes of Scarboro Hill, and the Long Crouch Woods; these tracts are mostly covered with a scrubby growth of oaks and pines, struggling for existence. Nothing can remedy this trouble excepting to apply loam in generous quantities. Loam spread 12 inches in depth costs about $1,100 an acre, but it means, for the next generation, the difference between scrubby, starving growth and umbrageous luxuriance.

Loam is an absolute necessity in our park construction, so poor is the ground generally which we have to treat, and nowhere can it be had so cheaply as in Boston at the present time.

Our method of obtaining loam has been to offer 66⅔ cents per yard, or $1.00 per load of 1½ yards, taking from all comers who could furnish it of the required quality. This was found, by experience, to be a better plan than that of calling for bids for a large quantity, as no one could be found to bind himself to furnish a large quantity at a cheap rate; while the method adopted permitted anyone having a few yards to dispose of to find sale for it.

We thus bought from as many as thirty-five different persons, who furnished varied sized lots. At the point of delivery a tallyman, sometimes with an assistant, measured and inspected each load, and gave a credit ticket from a ticket-book, marking the stub correspondingly. Returns were made each day to the office, the tallymen being under the control and supervision of the foreman of the job, every endeavor being made to insure such supervision as would detect any irregularity. Bills rendered were required to be accompanied by the credit tickets, which were then compared with the stubs and cancelled and filed away with them; those for the past season being still on hand in the vaults at the office of the Board.

Very respectfully,

(Signed) J. A. PETTIGREW,
Superintendent.

EXHIBIT No. 120.

JAMAICA PARK, April 25, 1900.

Estimate of quantity of loam stripped from roads, walks and ponds, and spread on plantations:

Riverway	23,000 cu. yds.
Leverett Park	22,000 " "
Jamaica Park	15,000 " "
Arborway	31,000 " "
Arnold Arboretum	34,000 " "
Franklin Park	122,000 " "
Total	247,000 " "

Before January 31, 1896	226,000 cu. yds.
Since " " "	26,000 " "
Total	247,000 " "

C. E. PUTNAM,
Asst. Engineer.

EXHIBIT NO. 128.

(*Letter from Superintendent Pettigrew making general comments, etc., and extract from records of meeting of the same date.*)

BOARD OF COMMISSIONERS OF THE DEPARTMENT OF PARKS,
JAMAICA PLAIN, MASS., October 18, 1897.

THE BOARD OF COMMISSIONERS,
PARK DEPARTMENT, BOSTON:

GENTLEMEN, — Pursuant to instructions from your Honorable Board, your Superintendent has had a plan prepared of an improvement of the northeast corner of Franklin Park, bounded by Blue Hill avenue, Seaver street, the Playstead and Glen lane. The ground in question comprises about 65 acres, and contains a fine timber skirted glade throughout its length north and south. Openings in the timber toward Seaver street reveal pleasing rolling ground, and on the other side fine views across Franklin Park. The north and south ends of this glade are covered with piles of stone and rubbish; another portion near the centre is low or swampy. The levelling of this stone into the swamp and covering with loam would not prove a costly operation.

The addition of plantations of trees and shrubs on the bare spots along Seaver street for screens, and other plantations for landscapic effects and a path bordering the glade just within the timber line, would bring a very beautiful and accessible part of the park into popular use, besides removing an eyesore of long standing at one of Franklin Park's principal entrances.

The work is not of a costly character being, excepting for the new plantations, more in the nature of a restoration of the glade to the condition existing previous to its being torn up for road ballasting material, loam being probably the heaviest item of expense; the loam originally stripped from the surface having been used at other places.

On the slope of Hagborn Hill are two flights of stone steps, which to the observer approaching from the drive are obtrusively inappropriate, and as viewed from the look-out at the top of the hill they are about the only pieces of artificial work in sight, and the view extends to the Blue Hills. The driveway below may be excepted, this, however, could be planted over were the space occupied by the steps available; further, the use of the steps is

not so great as to warrant their retention in view of the important considerations above mentioned; their removal would not be an inconvenience, as a walk on an easy grade ascends to the same place from a point a little further east on the roadway; the value of the material for other uses will offset the cost of the removal. For the above reasons the removal of these steps is recommended.

The decrease in the water supply at Ward's pond leaves the chain of three small ponds at the head of the brook nearly dry, thereby entirely destroying the intended effect of the brook scheme, it being now a dry ditch. It is possible that were the brook extended to Ward's pond and a direct connection made with it, and puddled with clay throughout its whole length, such water as flowed into it from Ward's pond might be held and give again a running brook. The fact remains, however, that the three pond holes are useless and unsightly now and without hope of remedy unless a new source of water is furnished. It would seem the better plan to fill them up and cover the spaces, including the bordering walks with loam, and plant with trees and shrubbery, retaining the walks as indicated on the plan submitted.

A plan for a re-arrangement of the walks on the hill and grounds north of Ward's pond is also submitted which, with the changes suggested for Ward's pond, is recommended.

Franklin Field being now the principal recreation ground, your Superintendent would suggest the removal of the flag staff from the Playstead to Franklin Field. In its present location it does violence to its surroundings, but at Franklin Field it would be perfectly proper.

The attention of your Honorable Board is called to the need of gates for the Arboretum entrances. The present method of closing these entrances is crude and disorderly. The ornamental iron workers who have recently figured on our playground fences would, I have no doubt, be glad to submit designs if called upon.

I would recommend the removal of two sets of three wash basins each from North End Beach to the sanitary buildings at Franklin Field. They are not required at the North End, and the space they now occupy might be utilized for four additional bathrooms; this would save the purchase of wash bowls for Franklin Field.

Respectfully submitted,

(Signed) J. A. PETTIGREW,
Superintendent.

RECORDS. — BOSTON, October 18, 1897.

Mr. Pettigrew submitted a report in writing recommending the construction of paths and plantations bordering the glade at the northeast corner of Franklin Park, the filling of the ponds with the stone and rubbish on the ground, the removal of two flights of stone steps on the slope of Hagborn Hill; the removal of the flag-staff on the Playstead to Franklin Field, the removal of wash

basins from North End Beach to Franklin Field and the placing of gates at the Arboretum entrances; also the filling of the three ponds adjoining Ward's pond and a re-arrangement of the walks on the adjoining hill in accordance with plans submitted. It was

Voted, To adopt the Superintendent's recommendations excepting those with reference to the filling of the ponds at Franklin Park and Leverett Park, and the procuring of designs for gates at the Arnold Arboretum.

EXHIBIT NO. 130.

(Letter to Chairman Kendricken from Olmsted, Olmsted & Eliot regarding park trees.)

[Copy.]

BROOKLINE, MASS., August 13, 1893.

THE HON. PAUL KENDRICKEN, *President of the Board of Commissioners of Public Parks of the City of Boston, Mass.:*

DEAR SIR,— We have the honor to report under the following instructions:

"Voted, That the Landscape Architects Advisory be requested "to report to this Board upon the condition of the trees in the "Public Parks, and what recommendation they have to make in "regard to improving their condition."

Counting with others the several distinctively named sections of the parkways, there are sixteen different bodies of land in charge of your Commission. Twelve of these are popularly known as parks. They are scattered over a space of forty square miles in extent, the furthest north of them being seven miles distant from the furthest south. They have an aggregate area of nearly two thousand acres. There are well nigh a million trees and woody plants now growing upon them, of which a majority were acquired by the city with the land. Most of these had sprung up naturally in situations which, because of the thinness and poverty of the gravelly soil, and because of the ledges penetrating it and the boulders scattered through it, had been left uncultivated. They were generally sprouts from stumps of trees previously felled and had been crowded into spindling and awkward forms. The straightest and best had been culled out, leaving the poorer. All the wooded ground had repeatedly been burned over, destroying the leaf-mould upon it, and injuring the trees. There was but little underwood.

The conditions described had been unfavorable to the health and vigor of the trees remaining, and most of them, when they came into the possession of the city, were of a quality which would be considered extremely poor if found in the trees of a garden or lawn, or on any fair, cultivatable land. Among them all there was hardly a score of fine, symmetrical, well-grown, healthy specimens. A great majority of all were of a distinctly stunted

habit. Trees of corresponding age, growing under more favorable conditions, in more genial regions, are often found of more than twice their average size. Many showed evidence of decrepitude and vital failure. Some were dying. Considerable parts of many were in a state of progressive decay, this being manifest by numerous dead limbs and the thinness of their foliage.

In dealing with all such trees a conservative policy has been pursued. Every year numbers have been felled. Every year, also, many decaying limbs have been taken off. In some cases the soil in which trees stand which are expected to remain has been moderately enriched by applications of dung composted with swamp muck. The intention has been to gradually remove the extremely poor trees and to develop landscape masses of healthy foliage through the filling out and clustering together of those which are left because of their better promise.

In a fair study of the question whether the results of this policy to the present time are promising, it will be considered that a slight change of conditions, of conditions in respect, for example, to the drainage of the ground, often brings about the early death of a weak tree. Yet if such a tree retains vigor enough to survive the shock of the change, it is not unlikely, in the long run, to improve from it. Such changes of condition often result from the processes of grading, draining, construction and fertilizing that are incidental to the making of roads and road margins. Consequently, trees may be left for a time adjoining new roads with a certain risk of their failure, but with the hope that they will survive and in the end be the better for the change of conditions that has been given them. In the few cases where, on your parks, trees suffer under these circumstances, as, for example, alongside the drive between Hagborn Hill and Ellicottdale, their failure is conspicuous to those using the roads. In such cases where the trees, if they improved, were likely to help the scenery, the risk of their failing has, in our judgment, been wisely taken. We think that this opinion is sustained, on the whole, by present results.

Every summer a few of the roadside trees are seen to be in a dying condition. Such trees are not usually taken out at once. As a rule they are noted, and in the winter when other work is not pressing and suitably discreet men can be employed for the purpose, all the woods are gone over and hopeless trees removed. Occasionally one is overlooked, but no permanent harm results.

Again in any fair study of the question, a very different standard of value in trees will be had in view from that which would apply to trees used for the decoration and ornament of gardens and garden-like grounds. It was stated in a former report to your Board that not a tenth part of one per cent. of the outlay to be made on your parks would be for decorative garden work. Not a hundredth part of one per cent. of what has been expended for planting and the care of trees has thus far been directed to the ends of decorative gardening.

In all the woods, and in many of the small patches of trees and old fence-rows of foliage originally growing upon the lands acquired by the department, there was, at the outset, a great deal of vermin. In Franklin Park there were hundreds of cherry trees occupied by bag-worms. Something has been done every year in contention with this plague and ground has been gained. The trees suffer much less from insect pests now than they did ten years ago. During the last month the gypsy moth has been found in Franklin Park, and there is danger of great destruction from it. Measures to cope with it are being pursued by the corps employed by the State for the purpose, and your Board will receive a special communication upon the subject from the experts directing the process. The New York Park Commission employs a salaried entomologist to watch the operations of vermin and direct warfare against them. We do not at present think that this department need do so.

Stock for new plantations has generally been bought, and as most of it was to be used in forming thickets and woods, and in plantations to be afterwards thinned out, fine, well-formed trees have not been required, and those obtained have been purchased in lots at low wholesale rates. In some cases trees for the roadsides of species desired have not been found of good form and some have been planted that are not yet satisfactory. All trees bought have been bought under our direct orders. As a rule the young plantations are thrifty. In some places they would doubtless have been more so had a larger outlay been made for the enrichment of the soil.

In conclusion, we may say that if we were asked whether better trees might not have been used; whether the trees planted might not have been better planted; whether all might not have been better cared for, and whether, especially, all might not have been more vigilantly guarded from vermin, we should say that they certainly might, and this, possibly, with sound economy. But since we became your advisers, the number of public grounds which have been put in your charge has been much increased, and the additions are of a class that requires large outlays by the city relatively to their areas, many times as large per acre, for example, as those which will be required for Franklin Park, the Fens and the Arboretum. Then it is to be borne in mind that every year the city refuses to allow the amounts which your Board certifies to be necessary to keep the grounds you have prepared in good order.

Under these circumstances, and having in view the difficulties of a suitable direction and superintendence of the forces to operate on so many grounds, so scattered and so far apart, it is open to question whether sound policy will allow your outlay for plantations to be so much increased as would be necessary to secure improvement upon present methods.

If, however, the Commissioners have more confidence in this respect than we have, it will, as we have said, be an easy matter to secure such improvement. It is less to be accomplished by

adopting new methods than by employing more skilled men and using more manure and other appliances in following methods heretofore adopted.

We have to express, in conclusion, our recognition of the activity, prudence, economy and skill, the result of long and varied experience in large works of the class in question, of Mr. Fischer, who has, from the beginning, been in immediate direction of the operations that have been under review in this report. Shortcomings in his department are generally to be attributed to his efforts, under our instruction, to keep its expenditures within stricter limits than he has thought desirable.

Respectfully,

OLMSTED, OLMSTED & ELIOT,
Landscape Architects Advisory.

EXHIBIT No. 131.

[Copy.]

BROOKLINE, MASS., June 6, 1895.

MR. GEORGE F. CLARKE, *Secretary, Boston Park Department, 53 State street, Boston, Mass.:*

DEAR SIR, — We have searched for a plan of the wall at Jamaica Pond, but find that our drawings were sent to Mr. Howe long ago. Will you, therefore, at once ask Mr. Howe to send Mr. Wheelwright a plan of the territory on which the proposed fence is to be built, indicating of course, the ends of the fence and its position on the ground. The accompanying little sunprint delineates the cross-section. The inner edge of the squared tops of the stones which will support the fence posts are, as you will see, to be set four feet from the upper edge of the coping stone of the wall. I think the theory of this office has always been that this wall was an undesirable engineering necessity, which was to be concealed as much as possible. This being the theory, we think your idea of a parapet of boulders or fragments of pudding-stone set on edge is inadmissible, because the row of stones would be more conspicuous when seen from the pond, or the further banks thereof, than a fence would be with its accompanying vines and shrubs.

Yours truly,

(Signed) CHARLES ELIOT.

EXHIBIT No. 132.

[Copy.]

BROOKLINE, MASS., November 21, 1896.

E. C. HODGES, ESQ., *Chairman of the Park Commission, Boston, Mass.:*

DEAR SIR, — We understand that the landscape gardener of the Department of Parks has been asked to resign. As the older

plantations of the parks stand in need of prompt revision for the sake of saving the plants intended to be permanent, as many of the newer plantations are in need of judicious thickening, and as considerable areas will be graded and ready for planting next spring, it seems important that we should have an opportunity to confer and advise with Mr. Fischer's successor at the earliest possible moment. Little can be accomplished next spring unless preparations are made soon, and it is, also, certain that no new man can possibly work intelligently unless he first has several months in which to become acquainted with the motives and designs of the several parks from the beginning. For the perfecting of designs as ingenious and as complex as those of the Boston parks, it is essential that landscape architects, architects, engineers, superintendents and gardeners should thoroughly understand each other and work in cordial co-operation. Accordingly, we respectfully ask that we may be put in communication with Mr. Fischer's successor as soon as possible.

Yours truly,

(Signed) OLMSTED, OLMSTED & ELIOT.

EXHIBIT NO. 133.

(*Letter to Chairman Hodges from Olmsted, Olmsted & Eliot regarding increase in maintenance appropriation.*)

[COPY.]

OLMSTED, OLMSTED & ELIOT,
LANDSCAPE ARCHITECTS,
BROOKLINE, MASS., January 4, 1897.

Mr. E. C. HODGES, *Chairman of the Park Commission, Boston, Mass.:*

DEAR SIR, — The abolition at the last meeting of the Board of the office of "Landscape Gardener" and the proposed establishment of the office of "Superintendent" marks a step in the history of the parks which we hope means greater readiness to devote money to *maintenance* as distinguished from construction. There has always been money for construction, but never sufficient for maintenance. Roads and walks have been extended annually and new planting has been done from time to time, but the money available for maintenance has barely sufficed to keep the constantly increasing mileage of roads in good repair. It has been argued that since roads cost so much, it would be shameful to allow them to deteriorate, and so the larger part of the appropriations for maintenance has been devoted to the roads, with the results that the care of grass and shrubberies has been sadly slighted, while the original trees and woods have received little or no attention.

That this is an anomalous condition of affairs is evident. Park roads and walks are merely means of approach to scenery, so that it would seem as if such work as may be most necessary for the preservation and improvement of the living elements of scenery ought by rights to be accomplished before rather than after the construction of roads.

The "general plans "of parks contrived by our firm are always based on studies of the available scenery, and embody schemes for modifying pre-existent vegetation by clearing here and thinning there, planting trees or shrubs and sowing grass, as well as schemes for making the resultant scenery agreeably accessible by roads. The vital element in a park design is indeed its suggestions concerning vegetation. It is only necessary to imagine a park without grass, bushes or trees to realize that this is the case. The road lines of parks are chosen with reference to the scenery designed to be secured by modifications of the vegetation, and, conversely, the programme of work on the vegetation is devised with reference to the positions chosen for the roads and other points of veiw. Thus the "general plan" of a park is not a road plan only and it is not a planting plan, or a scheme for the treatment of old trees or roads. It is a closely related and logically combined design, requiring for its realization on the ground faithful work in all these different departments alike.

It follows that whatever work may be required for the complete realization of a "general plan," whether it be work of axe or pruning hook, plough, spade or steam-roller, may properly be charged to construction. The contrary assumption that while roads may be charged to construction, work in the pre-existent woods and all thinning of plantations after they are two years planted must be charged to maintenance, has naturally resulted in a partial and lobsided development of the Boston parks, by no means representing the intents and designs of the designers. Roads and walks have been thoroughly well built in accordance with the general plans, but the vegetation is not in all details what it was designed to be, because it has not been properly thinned and re-adjusted from time to time. Much desirable treatment of the original woods has also been too long postponed. We would recommend that a much larger part of the money available for construction should henceforth be devoted to the woods and plantations.

Assuming, for a moment, that this reform can be accomplished, permit us to briefly mention some of the more pressing items of work to be done. We will assume that the Superintendent will have full charge of all the work of maintenance, including road repairs and watering, the care of buildings, of finished lawns, shrubberies and groves, and so on, that the engineering department will continue to direct works of engineering construction in accordance with the general plans of the landscape architect, and that a specialist will be engaged to direct planting, the thinning of planting and woodmen's work in accordance with the same general plans.

After acquainting himself thoroughly with the intentions embodied in the general plans, the latter officer ought to attend first to the rescue and re-adjustment of the plantations of the Fens. These plantations were rightly planted very thickly, both for immediate effect and because of the exposure of the place to the winds. Viewed from the water and from many of the paths the resulting effects are generally pleasing, but radical thinning has for some time been needed for the encouragement of the long-lived and finer sorts of trees and plants which are choked by the quick-growing species of less permanent value. In addition, there are a few small areas such as the triangle at the O'Reilly monument and the spaces near Westland avenue which, owing to changed circumstances, need to be thoroughly revised.

Throughout the parks, beyond the Fens, there is more or less old growth which needs to be removed or helped, as the case may be, and there is much half-finished and more as yet unattempted new planting which will call for close and faithful following of the intentions of the park designers. For accomplishing the new planting large stocks of suitable species of trees and shrubs will need to be collected and propagated, — much larger stocks of the more useful native sorts than Mr. Fischer, with his leanings towards garden varieties, could be persuaded to gather and use. It was precisely because of Mr. Fischer's increasing inability to keep in mind the character of the simpler planting required by the designs that we felt obliged some months ago to call the attention of the Board to the matter. Fortunately there is little of his recent work which cannot be easily recast to accord with the spirit of the plans, and we may add that if work in the original woods can now be taken up intelligently, no one need much regret that it has been so long postponed. It is obvious that the work to be done cannot safely be intrusted to a horticulturist or a gardener, nor can it be left to an arboriculturist or forester. Good gardeners cannot avoid working for the perfecting of individual plants — work which is right in a garden, but wrong in a park where the general effect or landscape is of first importance. Good foresters cannot avoid working for the development of individual trees — work which is right where a crop of timber is desired, or where specimens are to be trained up, as in an arboretum, but wrong in a park, where groups, masses and dense woods are more important in the landscape than single trees. The planter to be appointed to carry out the designed effect in the landscape should have as much knowledge of trees and shrubs as possible, but should be young enough to learn by study and experience to appreciate the various kinds of landscape effects designed to be secured. We have found that young men who have had experience in nurseries, provided they have sufficient intelligence to shake off the nurseryman's love of plants as novelties and curiosities, are far better fitted to manage park planting than gardeners. Such a man is Mr. Hans J. Koehler, whom we have recommended to the Board for the position of "planter." With a force of men to be trained by himself and kept at work

winter and summer under the appropriation for construction, we believe Mr. Koehler will be able to bring the vegetation of the parks to as high a degree of perfection in its way as Mr. Howe has brought the roads to.

Yours truly,

(Signed) OLMSTED, OLMSTED & ELIOT,
Landscape Architects Advisory.

EXHIBIT NO. 134.

(*Letter from Olmsted, Olmsted & Eliot to Superintendent Pettigrew regarding general planting.*)

BROOKLINE, MASS., February 24, 1897.

MR. J. A. PETTIGREW, *Superintendent of Parks, Franklin Park, Boston, Mass.:*

DEAR SIR, — We are particularly desirous that there should be no Rhododendrons or Kalmias (or other broad-leaved evergreens commonly found native in the vicinity of mountain brooks), in the Back Bay Fens.

A very large number of both Rhododendrons and Kalmias can be appropriately and advantageously planted in the brook section of Leverett Park, particularly to screen one of the longitudinal walks from the other, especially where the ground is almost free of trees between the woods covering Nickerson Hill and the groves in the vicinity of Willow Pond. Some planting has been done at this point which is directly contrary to our orders, and we should be glad to have you revise it, with a view to obtaining a permanent evergreen screen between the two walks, composed mostly of plants which will not grow more than 10 or 15 feet high.

The steep bank around the south side of Ward's Pond could very appropriately be covered with Kalmias and Rhododendrons, with pines and hemlocks higher up on the bank.

With a view to preventing misunderstandings as to what should and what should not be planted in the various parks and in special localities in each park in carrying out our general designs, it would be well for you to submit to us lists of the plants you would propose to use in such cases. The sooner this can be done, the more time we will have for giving the matter proper consideration. We would suggest that Mr. Koehler be set to work on these planting lists at once, and that he in each case indicate what plants are already growing in the park or locality under consideration.

As Mr. Koehler is new to the work, we will indicate briefly the general character of the design of each of the parks as far as concerns the plantations.

BACK BAY FENS.

The predominant character of the vegetation is intended to resemble that of many of the tidal estuaries along the Massachusetts coast where, to a great extent, they have been left to nature. The ground subject to be overflowed at almost every tide will, of course, have vegetation adapted to that particular condition. The banks above, when high, are supposed to be of a rather dry, gravelly nature, and were in fact actually filled with dry gravel, although this gravel is covered with black salt muck and a deep layer of top-soil, affording conditions very much less unfavorable to the growth of plants than would be met with on natural gravel banks. For the sake of variety, therefore, it would be possible to plant some of the banks on the assumption that they were of a more clayey nature, resembling, in condition for plant growth, the so-called binding gravel. The existing plantations may serve as a guide to determine where one or the other of these styles of planting should be adopted. The most important general rule for planting the Fens is, that nowhere shall there be any turf except in the distinctly artificial planting strip along the drives. In many places shrubbery has been planted where it is intended to have views which is of a nature to grow too tall. This should now be extensively removed and much lower-growing sorts of shrubs substituted. As a general rule, we would prefer to greatly reduce the number of exotic trees in the Fens, though we have no objection to the extensive use of such foreign shrubs and perennials as may reasonably be supposed to have escaped from cultivation from surrounding gardens. This, however, has already been done to an excessive extent, and in remodeling plantations it would be best to use merely native shrubs, vines and perennials. For instance, where the banks are so often gravelly extensive stretches of Myrica and Sweet Fern would tend to increase the effect of naturalness in the locality. We would especially advise the omission of waterside shrubs in the Fens, which could be more appropriately used in the Riverway; such, for instance, would be the Alder, Elder, Cephalantus, Willows, etc. On the other hand, Baccharis, Beach Plum, Rosa lucida, Myrica and Sweet Fern, being often found growing luxuriantly along our storm-swept coasts, should be used freely in the Fens and should be excluded from the Riverway, even though they might grow better in the latter locality. We should prefer to have the Red, Scarlet and Black Oak, Gray Birch and Nyssa give the predominant character to the banks of the Fens, and to not use and to eliminate all those trees which grow in swamps or along fresh water streams in such numbers as to be characteristic.

RIVERWAY.

On the Riverway, especially on the banks near the water, we should prefer to have the Scarlet Maple, Silver Maple, White Oak, White Swamp Oak, Willow, Black and Canoe Birch, Hornbeam, Beech, etc., give the predominant character.

In general, the Boston side of the Riverway should be planted with the same kinds of shrubs, creepers, etc., as the Brookline side, though as there is generally considerably more room, it would be well to have a somewhat marked difference in the borders near the driveway. For instance, it may happen that Rosa wichuraiana was not used on the Brookline side: it would, therefore, not be desirable to have much of it near the river, but it might be used on the banks near the drive, where there is considerable space between the drive and the bridle-path. As in the case of the Fens, and in fact except where the character of the local scenery is intended to be very markedly wild and unsophisticated, we do not consider that there is any objection to using introduced plants to a moderate extent, especially shrubs and creepers, on the theory that the ground has been more or less under the influence of human action, and that plants may have escaped from cultivation from the surrounding gardens. This remark need not be repeated, as it applies to all the parks, the exception being, as we have said, particularly wild localities like Hemlock Hill in the Arboretum, and the Wilderness in Franklin Park. But we should prefer to have extremely few foreign trees used where these differ perceptibly to the eye of the ordinarily intelligent observer from the native trees of the same genus. The use of foreign coniferous plants should be especially avoided. Spruces, even the native ones, are so extremely rare as wildlings in and about Boston as to look decidedly unnatural, and their use should, therefore, be avoided where a natural effect is intended to prevail.

LEVERETT PARK.

So far as Leverett Pond is concerned the character of the planting should closely resemble that of the Riverway. On the Boston side the land rises to such a height that a marked difference in the character of the vegetation from that along the pond is desirable. The Red Cedar and Gray Birch would be useful in distinguishing these plantations. The varieties of Oaks common in the woods of the vicinity should be used freely, while the Maples would better not be used much. From Willow Pond to Perkins street the greater part of the land has been designed to be used as a fresh water natural history garden, and the character of the plantations can, therefore, be more gardenlike than would usually be desirable elsewhere in the parks. For this reason, we would admit of the use of Rhododendrons, Kalmias, Andromedas, Retinosporus and handsome flowering shrubbery, except along the margin of Willow Pond and the brook, where the planting should be kept as natural as possible and should agree with that on the Brookline side. The face of Nickerson Hill towards Brookline should also be thickened up with an undergrowth of native shrubs and creepers.

JAMAICA PARK.

That portion of the park known as Pine Banks, being a gravelly deposit and having attached to it the distinguishing name, would

better have a large number of pines planted upon it, both to succeed those which are dying and to occupy the ground wherever there is an opportunity among other trees. Some of the Norway Spruces should be cut out and Pines may be planted in place of them. The margin for plantations along the northwest side of the pond is so narrow that, with a view to screening future houses out, it would be desirable to plant Pines and Hemlocks, mingled with such deciduous trees as will form the best permanent screen, such as Hop-hornbeam, Beech, Maple and Basswood, supplemented by shrubbery which will endure dense shade. The wild seedlings of Elm and other rather open growing trees should be removed, as they will tend to destroy the screen to be formed by the more compact and slower growing trees and bushes. The occasional margins of planting ground between the shore walk and the water will eventually be inevitably much occupied by people desiring to sit in the shade near the water. Comparatively few bushes can, therefore, be planted with a view to remaining permanently in these particular situations. On the other hand the surface would better be covered with turf, and in order to maintain turf in these particular cases it would be best to plant trees which will not shade the ground too densely, and the lower branches on the side away from the water would better be pruned off from time to time, so as not to shade out the border plantation on the other side of the walk. The southwest side of the pond already has a very charming Beech grove at one point, but it would be desirable to extend this grove as far as practicable all along the Prince street side of the pond. The southeast side of the pond needs to have shrubbery on all the ground between the bridle path and the driveway, low at a few points where the views should be kept open under the branches of the trees from the driveway, and higher elsewhere to break the view of houses, carriages, etc., from the water. On the steep banks about the bathing pools strong, low-growing, prickly shrubs should be planted to form an impenetrable screen. At the top of the bank it would be well to have more or less evergreens, Red Cedar, Dwarf Pine and the like. It not being intended to keep the view of the Pond open from the drive at this particular point, a considerable number of shade trees would best be planted in the vicinity of the drive, but far enough from the bank not to eventually ruin the bank plantation. Every effort should be made to completely cover the wall and fence between the bathing pool and the proposed boating shelter at the end of Pond street. We would suggest that Matrimony Vine, Forsythia suspensa and clambering roses can be more freely used on this wall, and also on top of all the walls near the bathing pools. All the steep banks around the northeast side of the pond should be covered with a dense and usually low growth of bushes. The selection need not be restricted to native kinds, but a natural effect should predominate. In dense shade, for instance, there would be no objection to using Vinca minor, as it is almost the only thing which will completely cover the ground under such circumstances. Where practicable,

we would prefer to have the ground covered with Rosa lucida, Myrica, Sweet Fern, Hypericum and the smaller-growing Viburnums. The upper part of the bank along Prince street should be planted with shade-enduring trees and shrubs, such as Hemlock and Viburnum, in order to produce a screen which will eventually hide out houses which will undoubtedly be built along this road in the future. Clumps of large growing willows can be planted in the beach at projecting points.

ARBORETUM.

The only part of the Arboretum, the planting of which is under our jurisdiction, is the bank between the two driveways, and as this forms a part of the landscape of the Arboretum, it ought to be planted in strict conformity with that of the adjoining border plantations, which Professor Sargent has already planted in the Arboretum.

FRANKLIN PARK.

The main thing which we want to most strongly impress upon you with regard to Franklin Park is, that it is the express intention of the design that there should be a marked difference between the portion of the park south of Glen lane, known as the Country Park, and the portion north of Glen lane, which has been assigned to various purposes, involving a more artificial and gardenlike style of improvements and planting. In the Country Park we would wish that all intelligent persons should be impressed with the idea above all of its rurality. Therefore, except in immediate connection with the necessary buildings, all of which are intended to be designed in a very rustic and rural style, and where a limited amount of garden vines, shrubs and plants would be appropriate, as expressing human occupation, the list of trees, shrubs and plants should be carefully restricted to those which are native in this region, and appropriate to the local conditions, supplemented by a few which so closely resemble the natives as not to be distinguishable by the ordinary observer and which have some marked advantage justifying their use, such as the common Barberry and Privet, European Hornbeam, European Prostrate Juniper, Japanese Ampelopsis, Rosa multiflora, European Alder, European Willow Tree, and a number of American trees and shrubs which are not native in this locality, but would not look out of place. We have, unfortunately, not hitherto been entirely successful in securing the execution of this element of the design, and we look to you to remedy the errors which have been made in this respect in the past. Such a revision of the planting which has already been done in the Wilderness is of pressing importance. The revision of the border plantations is not of such vital importance. It may be done gradually from time to time. It would take too long to describe the particular kind of planting appropriate to each different locality in the Country Park, and we shall expect to discuss these matters with you from time to time on the ground.

We wish to say, however, that we were chiefly anxious as to the proper treatment of the Wilderness. In the matter of thinning trees, for instance, the ordinary purpose of a superintendent of the park is to secure a healthy, vigorous and more or less symmetrical growth of each individual tree, and to this end it is usual to thin them out from time to time, just as one would seedling vegetables in a garden. The result ordinarily is that by the time the Oaks and other forest trees have attained their full development they are seldom closer together than 15 or 20 feet to 50 feet or more, producing a certain dignified monotony in a wood, each tree being notable as an example of the forest tree. In many parts of the park, more particularly wherever the soil is deep enough and good enough to support a growth of turf under the trees so that the whole surface can be rambled over freely, this treatment is unquestionably desirable, especially as affording the greatest possible accommodation to the public in using the park, but in the Wilderness we particularly desire that nothing of this effect should be attempted, except perhaps where the trees are growing in good soil and then only in limited areas of a few square yards each, in order to facilitate picnicking. In general, this woodland is so full of rocks and ledges, so irregular and the trees in it already so crowded, that the effect aimed at should be that of a much wilder, even almost neglected looking wood. Trees may now and then be allowed to stand that are very close together, even growing almost on the same spot, and weak trees that are overtopped by others should be left instead of being thinned out, as would elsewhere be desirable. Large numbers of young seedling trees should be left to struggle as best they may in the shade of the other trees, being given, however, sufficient light so that they will not utterly perish, and so that they will be ready to take the place of the larger trees as these die or are blown down. The character of the undergrowth should be precisely that to be found in unpastured woodland in Eastern Massachusetts, and all foreign plants should be excluded. The leaves should not be raked up and dead and dying branches should not be pruned from the trees to such an extent as would be desirable, or as is customary in ordinary park woods. On all northern slopes the evergreen rock-fern should be introduced in great numbers. Along walks and in places where they would be seen, we should be glad, if it is practicable, to have the Mayflower (Trailing Arbutus), Bearberry, Partridge-berry, and other low evergreen plants added. The border plantations along Canterbury street ought to be very much wider and should have more Hemlocks and shade-enduring shrubbery added. The open land should, in general, stop short of the circuit drive, allowing views from this drive to be obtained under the branches of trees. We should prefer to have the Red and White Oaks used in ten times larger quantities than any other kinds.

These portions of the park north of Glen lane are all intended to be lighted at night and to be treated in every way more like

city parks, while the Country Park should be shut up at as early an hour in the evening as practicable on account of the difficulty of properly policing it in the absence of lights, and the inappropriateness and artificiality of lights where a thoroughly rural effect is intended.

DORCHESTER PARK.

This park closely resembles the Wilderness in Franklin Park in its present general character, but inasmuch as it is necessary that it serve as a local park, it will be desirable to create as much grassy surface as possible between the ledges, covering and masking these with vines and bushes, from which the public will be excluded. Those trees that are growing in deep enough soil to warrant the expectation that they will be long-lived and grow handsomely can be encouraged by fertilization and by thinning out to prevent crowding, but where the soil is thin on ledges and the like, the trees should be allowed to crowd each other more, and as they gradually lose all value, they should be removed and replaced by smaller growing trees, such as the Hop-hornbeam, Hornbeam, Flowering Dogwood, Thorn and the like.

MARINE PARK.

This park has been filled with dry gravel and a very inadequate provision of top-soil has been made. For this reason the turf will have to be watered in summer and the trees would best be poplars and other rapid growing kinds that will endure the draught and exposure to winds. A border of large growing shrubbery that will endure shade and gravelly soil should be planted along Q street. The slopes about the natural history pools should be prepared for planting as thoroughly as in the Back Bay Fens, in order that a more garden-like treatment can be successfully carried out. A dense, impenetrable border, composed chiefly of shrubbery is intended to separate the area containing these pools from the shore drive and walks on all sides. Except for this necessary screen, which, as we have said, should be largely composed of prickly shrubbery, care should be taken in planting around the pools to avoid creating hiding places, in order that the policing of the ground may not be rendered unduly difficult. A free use of attractive flowering perennial plants and low ground covering shrubbery and vines, with occasional trees for shade, would be the most desirable treatment of this ground.

Castle Island should be planted all over with trees which will endure the storms, with occasional doses of salt water, but these should be thinned out from time to time sufficiently to permit all the surface that is not too steep to be covered with turf, so that people may ramble at will. All steep banks where turf cannot be successfully maintained and where it is not desirable to have people clamber, should be covered with some low, prickly shrubs and creepers, such as Rosa multiflora, Japanese barberry, and the like.

WOOD ISLAND PARK.

The planting of this park should, in general, be just about what we have described for Marine Park, except that this soil being usually a binding gravel, oaks and other hard wood trees can be better used, but they should be planted thickly enough to afford ample shelter to each other.

Yours truly,

OLMSTED, OLMSTED & ELIOT.

EXHIBIT NO. 135.

(*Letter from Olmsted, Olmsted & Eliot, to Superintendent Pettigrew regarding Planting Plans.*)

BROOKLINE, MASS., March 15, 1897.

Mr. J. A. PETTIGREW, *Superintendent of Parks, Franklin Park, Jamaica Plain, Mass.:*

DEAR SIR, — It will hardly be necessary to furnish you with planting plans, except in special cases where we may think it desirable, but as your planting assistant is new to the work, we thought it best to send you an outline planting plan for the border plantation in Franklin Park from the Refectory to the intersection of Canterbury street with Blue Hill avenue. This plan, with the accompanying list, will serve as a typical example of the sort of border plantations that we regard as desirable, especially where the width is restricted as in this case.

The principal points of design are as follows: (1st.) The plantation to be formed almost exclusively of plants native to this region, supplemented by a few foreign plants, if necessary for practical reasons, which are hardly to be distinguished by an ordinary observer from native plants. (2d.) Ample allowance should be made for the spread of trees, so that when they are 30 or 40 years old, they will not become so crowded as to lose their lower branches to any considerable extent; the selection of trees also to be made of such kinds as are most tenacious of their lower branches when crowding each other. The use of these trees in a special plantation of this sort we regard as entirely unnecessary and objectionable if the ground is thickly planted with good-sized shrubbery. It is not a case of forest planting, but of an informal, picturesque, hedge-like plantation of trees and bushes, where every precaution should be taken to prevent the trees growing with tall, naked stems, and to encourage to the utmost a dense undergrowth. (3d.) The border screen at this point being narrow and the circuit drive unusually near the border street, it is more than usually important to have a large proportion of evergreen trees, in order that the screen may be as nearly complete as possible when the foliage is off the deciduous trees. For the exterior faces of the plantation White Pine can be used for this purpose, but in moderate quantities only, as its dense shade would

tend to destroy the desirable undergrowth. In the interior of the plantation the Hemlock is the best evergreen to be used, as it retains its foliage when crowded by other trees better than any other available evergreen tree.

We think the trees ought not to be planted in any case less than 10 feet apart, and would better average 20 feet. Both Pines and Hemlocks should be grouped to some extent, so as not to appear like an artificial uniform mixture of deciduous and evergreen trees.

(4th.) It is an essential characteristic of border plantations as we design them, that they should be faced or bottomed out with small-growing trees, tall, densely twigged shrubs, which would gradually merge into low bushes along the outside edge of the plantation. The trees are merely used as the tall part of the screen in the landscape, but as they grow old, they are almost useless as a screen to a person standing on the ground near the border plantations unless supplemented by shrubbery.

Partly to assist in the screen, but more especially to make the plantation appear more natural, and to hide the bare earth somewhat in winter, the ground under the trees should be covered by shade-enduring bushes, which would also serve, to some extent, as a shelter for the trunks and roots of the trees while they are young.

The accompanying lists are suggestive merely, and may be varied from, provided the intended effect is equally well secured by other plants. The plants are in no case intended to be equally mixed within the limits of the different areas assigned to them. It is very desirable to use prickly, compact-growing shrubs on the outer side of the plantation, next the street, in order to make intrusion less frequent.

There is ample opportunity, while following our plan in its main outlines and characteristics, for the use of original thought and study in the plantation with a view to making it natural and appropriate to the topographical conditions, as well as varied and interesting in appearance. The low ground, for instance, at the base of the border plantation near Canterbury street, affords a rare opportunity for the use of a class of plants which require moist ground for vigorous growth; again, instead of having turf in the low ground, we should be pleased to see meadow ferns in open swamp bushes, like Clethra. The effect, intended by the irregular topography at this point could best be attained, however, by covering the ground with a lower growth than Clethra in general.

The entrance path indicated on the plan was not on the original plan of Franklin Park, but the continual use of the adjoining spring by neighbors seems to make it necessary. We would strenuously object to the introduction of a carriage entrance, however, as this would involve an additional policeman, besides exposing the street and houses to view from the circuit road.

The use of the perennials suggested in the earth-filled crevices of the pergola or boulder wall is to some extent a temporary

improvement. No doubt the greater part of them will eventually be smothered by the vines, which can best be relied upon for the permanent effect; yet such perennials as remain will tend to give an interest and a wildness which there would not be otherwise.

You are, of course, perfectly familiar with most of our suggestions and ideas, and they are not intended as instructions, or written on the supposition that you could not do the planting without them. We write on the assumption that we are the responsible designers of the park, and that it is rightly proper that you should be acquainted with our ideas on the subject, even though they may accord entirely with our own, as you will thus be assured that whatever you do in carrying out our plans will be likely to meet with our approval. Should you, on the other hand, deem any of our ideas impracticable, we should, of course, be glad to discuss them with you. As we have said in the beginning, we trust that the plan and these suggestions will assist you in conveying our ideas as to design and planting to Mr. Koehler.

It, of course, makes little difference to us how new plantations in the parks are made, that is, whether they are planted entirely by the eye, or after the preparation of more or less comprehensive and detailed plans and lists, provided the result of the planting accords with our general ideas. If we had executive charge of planting we should prefer to have plans and lists, in order to be able to lay out the work in advance, and so save the time which would otherwise be needed during the rush of the planting season for studying and making up requisitions in the park nursery.

Yours truly,

OLMSTED, OLMSTED & ELIOT.

EXHIBIT NO. 136.

(*Correspondence Regarding Discharge of R. Victor Knupfer.*)

MAYOR'S OFFICE, CITY HALL,
BOSTON, Feb. 18, 1898.

TO THE BOARD OF PARK COMMISSIONERS:

Alderman Lott states in a letter to me that he has it on very good authority that the reason a sub-foreman by the name of Knuepfer was recently discharged by your Superintendent was because his political views did not suit his superiors. I have informed the Alderman that I am confident that there is not the slightest foundation for any such idea; but I desire to ask your Board to enquire into the matter and to inform me in writing whether there is any basis for such a suggestion, and as to the cause of the discharge.

Yours respectfully,

JOSIAH QUINCY, *Mayor.*

[COPY.]

February 19, 1898.

HON. JOSIAH QUINCY, *Mayor:*

DEAR SIR, — I have your letter of 18th inst. regarding the discharge of a gardener, R. Victor Knupfer, from this Department. We inquired into the matter on complaint of Mr. Knupfer, and found there was no foundation for the charge that he had been discharged for political reasons, except his own unsupported statement which he has circulated without warrant, and to the injury of the Superintendent and the disadvantage of the Department.

I enclose a copy of the Superintendent's report giving the reasons for his action, which will show that Mr. Knupfer had no grounds upon which to base his charge, but that he had abundant reason to think otherwise.

The Superintendent notified Alderman Lott on January 31st to the same effect by letter.

Yours respectfully,

(Signed) CHARLES E. STRATTON, *Chairman.*

ALDERMEN'S ROOM, CITY HALL,

BOSTON, Jan. 29, 1898.

J. A. PETTIGREW, *Superintendent:*

DEAR SIR, — Kindly inform the writer if R. Victor Knupfer is permanently discharged from the Park Department, and if so will you, if not against the discipline of the department, give me the reason therefore.

Yours very truly,

WILLIAM H. LOTT.

[OFFICE COPY.]

CITY OF BOSTON.

BOARD OF PARK COMMISSIONERS.

JAMAICA PARK, January 31, 1898.

WILLIAM H. LOTT, *Alderman*, Boston:

DEAR SIR, — I have your letter of January 29th regarding Mr. Knupfer. We were obliged to part with Mr. Knupfer on account of his indolent habits and incompetency in the matter of handling the few men he was intrusted with. He ought to be in no doubt as to the reason for his discharge as he was remonstrated with more than once, and he had the results of other men before his eyes constantly who had similar work to do. We have not reported him at the Civil Service Bureau as discharged, to give him an opportunity, if able, to procure a transfer to some other department. Very sincerely yours,

(Signed) J. A. PETTIGREW,

Superintendent.

[COPY.]

February 9, 1898.

CHARLES E. STRATTON, ESQ., *Chairman:*

DEAR SIR, — Pursuant to instructions from you to report on the communication of Victor Knupfer, gardener to the Board, I beg to say that Mr. Knupfer was discharged for the reason that he was indolent in the discharge of his duties. He was reprimanded at least twice by myself and once by Mr. Dawson, so that he cannot claim ignorance of the cause of his discharge. He was intrusted with the control of a few men and given the shrubbery in a small district to care for; he failed completely to keep it in order, although he had the example of other men doing good work in adjoining districts under equal conditions.

Social or political affiliations are not inquired into or considered here in estimating a man's hold on his position; the ability and the desire to work are the principal recommendations.

Very respectfully,

(Signed) J. A. PETTIGREW,
Superintendent.

[COPY.]

March 1, 1898.

MR. R. VICTOR KNUPFER, ROSLINDALE, MASS.:

DEAR SIR, — The Board has received and considered your letter of February 23d. The Board holds the superintendent responsible for the work of the department, and, therefore, gives him the control of the working force. We have given careful consideration to the subject of your letters, and we feel that we should not be justified in overruling Mr. Pettigrew's action.

After the very full presentation of your case by your letters, a personal hearing would not be of any assistance to you or to ourselves.

Yours truly,

(Signed) CHARLES E. STRATTON,
Chairman.

EXHIBIT NO. 139.

(*Correspondence with Matthew C. Bolles.*)

[COPY.]

BOSTON, MASS., April 5, 1900.

MR. MATTHEW C. BOLLES, 60 STATE ST., BOSTON.:

DEAR SIR, — Alderman Gerry informed me yesterday afternoon that you have written this Department three or four times without receiving any reply or acknowledgment.

If the letters reached me, I could only have been guilty of such lack of courtesy through oversight, and this seems impossible. If the letters did not reach me, it is the fault of our Secretary or some subordinate.

In justice to this Department and myself, I must ask you to be so kind as to give me, if you can, the dates of your letters and the subject or subjects of which they treated.

Yours truly,

(Signed) CHARLES E. STRATTON,
Chairman.

[COPY.]

BOSTON, MASS., April 6, 1900.

CHARLES E. STRATTON, ESQ.,
Chairman Board of Park Commissioners,
Pine Bank, Jamaica Plain, Mass.:

DEAR SIR, — I beg to acknowledge your favor of the 5th inst., and in reply I beg leave to say that Alderman Gerry is quite right in his information. I addressed a letter September 11, 1899, to the Park Commissioners, Pine Bank, Jamaica Plain, Mass., on the subject of the wall that was then being built on Walnut avenue and Sigourney street. I wrote again September 18, 1899, to the same address. These letters were signed "Helen A. Bolles, by M. S. Bolles, Attorney." They were written on our headed business note sheets. I wrote June 4th, 1899, a letter addressed to C. E. Stratton, Esq., Chairman Park Commissioners, Pine Bank, Jamaica Plain, Mass., in relation to the bicycles carrying lamps at night. No reply was necessary to this, although the courtesy of an acknowledgment would have been appreciated.

September 15, 1899, I wrote a letter addressed, Solomon P. Stratton, Esq., Federal street, corner of Franklin street. A few days afterward, Mr. Solomon P. Stratton advised me that the letter was undoubtedly intended for his brother, and he had forwarded the same to him. These are all the communications that my copy book shows, but I have the impression that there were one or two additional ones.

In answering your letter, you have given me an opportunity to express my feeling of great disappointment that Franklin Park has been so disfigured within the last two or three years. When I moved there in 1876, it was a pleasure to look upon it from any point of view. Opposite my house on Sigourney street, there was a field of grass that was most cool, and refreshing and beautiful to see in the summer time, backed by a rocky hill where there was growing a choice assortment of trees. To-day I look out on a combination of a nursery-man's and a market-man's garden. The green has all disappeared, and it is fenced in with such a massive wall that all it needs is the sign "Private Grounds, and No Trespassing," to carry out the disfigurement of the landscape. It was my custom to walk across the park very frequently, of a

morning or an afternoon, on my way to or from business, and I enjoyed every minute of the walk. To-day, I avoid it. On each side of the path, instead of a beautiful green grass border, there are scraggly bushes, and the border promises plenty of dust on pleasant days, and mud when it is rainy.

I cannot understand why the Park Commissioners have such a horror of green grass. Why it is necessary to barricade the park, as has been done, and to destroy all the present beauty in the hope that some time in the future the results may be such that will excuse the present defacement of the grounds. We, all of us in the immediate vicinity of the Park, feel very sore upon the subject, and it was a long time before I could realize that the defacement and the destruction are owing to a permanent plan, and not an occasional episode.

The present hearing, or examination, of the Park Commissioners to my mind, is a matter of very trivial importance compared to the damage that has been done to the park. I wish there was some way of correcting it or modifying it. I do not consider myself an expert, but I do believe that I have the average amount of good taste as pertaining to landscape gardening, to dignify it by that name for want of a better description, and I am quite sure that unless Mr. Olmsted has changed his views, that the acknowledged authority of landscape gardening in this country would be very careful not to leave such a monument of his taste as Franklin Park at the present time presents.

I feel we are helpless in the matter, but sometimes an almost universal public opinion produces surprising results, and I hope that this of mine may add a little weight to the scale, and to the universal unfavorable criticism that I hear expressed, of the management of the park at the present time, and for the last few years. It certainly is not utility. It certainly is not good taste, and it certainly is not economy as all my friends understand it, that has so radically changed the beautiful appearance and plan of Franklin Park.

Yours truly,

(Signed) MICHAEL SHEPARD BOLLES.

I trust this letter will not fail to reach you.

[COPY.]

BOSTON, MASS., April 9, 1900.

MR. MICHAEL S. BOLLES, 19 KILBY ST., BOSTON:

DEAR SIR, — I thank you for your letter of April 6, giving me the dates of four letters sent by you to this department, whose receipt was not acknowledged, and the subjects of three of the letters. Judging by the date of the fourth, I presume its subject was the same as that of the first two mentioned, the wall on Walnut avenue and Sigourney street.

With the approval of counsel for those objecting to this wall, general acknowledgment of all letters on this subject was made to him, with notice of a public hearing and notice of the decision in favor of the objectors.

The letter in regard to bicycle lamps was one of a very large number sent, as we were given to understand by counsel and others supporting the movement, without wish for individual replies.

As to your general criticism of our treatment of Franklin Park, I am sorry that you neglected the opportunity to give your testimony at City Hall before the Investigating Committee of the Board of Aldermen. You will have an opportunity later to hear there our statement of the management of that park.

I will only say now that we regard the parks as made for the many who use them rather than for the few who live on their borders, and that perhaps you may be deceived in thinking that you have "an almost universal public opinion" with you.

As it is our intention that the receipt of every letter to this department, however mistaken, violent or abusive, should be acknowledged, I can only express my regret at our seeming lack of courtesy toward your communications.

Yours truly,

(Signed) CHARLES E. STRATTON,
Chairman.

[COPY.]

BOSTON, MASS., April 17, 1900.

CHARLES E. STRATTON, Esq.,
Chairman Board of Park Commissioners,
Pine Bank, Jamaica Plain, Mass.:

DEAR SIR, — I beg to acknowledge your favor of the 9th. Is it proper for me to call the attention of the Park Commissioners to the untidy appearance of Sigourney street? Bordering the wall there is a strip varying in width and length, of small stones and chips of stone, where formerly there was a pleasant tidy grass border, and one or more of the trees on the line of the street have been considerably broken by the stone layers, and the ragged branches left hanging, and it is an eyesore to the few who live on the borders of the park. If it is not in the province of the Park Commissioners to attend to this, if you will inform me of the fact, I will then write to the Superintendent of Streets upon the subject.

Referring to my letter of the 6th, would say that the "universal public opinion" to which I referred, is the opinion of those who live near the park; of my friends who do not live near the park but frequently drive there, and of various people who are considered to have more than usually good taste upon such subjects. Of course, I would not consult those whose opinions would be valueless to me on any matter pertaining to taste or cultivation, or appreciation of the beautiful, either natural or artificial. In matters of this sort the views of the masses, as a rule, are of very little value.

Yours truly,

(Signed) M. S. BOLLES.

[COPY.]

BOSTON, MASS., April 27, 1900.

MR. M. S. BOLLES, 19 KILBY ST., BOSTON:

DEAR SIR, — In regard to the condition of Sigourney street, our Superintendent reports that it is now in the care of the Street Department. We have, however, instructed him to put the place you mention in better condition.

Yours truly,

(Signed) CHARLES E. STRATTON,
Chairman.

BOSTON, MASS., April 28, 1900.

CHARLES E. STRATTON, ESQ.,
PINK BANK, JAMAICA PLAIN, MASSACHUSETTS:

DEAR SIR, — I have the pleasure of acknowledging your favor of the 27th, and thank you for your prompt attention in the matter.

Yours truly,
M. S. BOLLES.

BOSTON MASS., May 9, 1900.

CHARLES E. STRATTON, ESQ., 68 DEVONSHIRE ST., ROOM 6, BOSTON, MASS.

DEAR SIR, — I take the liberty of addressing you personally, to again call your attention to what should be the southerly sidewalk of Sigourney street.

The small tree opposite my house, has been cut down and removed, presumably because it took less time to do this, than it would to trim off the broken branches. There is now a space two to three feet wide, of ragged, loose stones, next the stone wall, left over from last year, and it is very noticeable and uncomfortable to see. I fear it will be difficult to induce the Superintendent of Streets to do anything there, as he would naturally say he had nothing to do with the defacement, and was not called upon to repair the work of others.

I am not aware that that sidewalk is ever used, or that it is necessary that it should be in a proper condition for travel, but it is certain that no one can walk there now, unless their feet are particularly well protected by very heavy shoes.

It seems to me that, equitably, those who have caused this defacement should clean up, and repair the damage done. It is not encouraging to those who are at considerable expense to keep their street fronts tidy and prefentable, to have such a striking contrast on the other side of the street.

Yours truly,
MICHAEL SHEPARD BOLLES.

BOSTON, MASS., May 11, 1900.

CHARLES E. STRATTON, ESQ., CHAIRMAN BOARD OF PARK COMMISSIONERS, PINE BANK, JAMAICA PLAIN, MASS.:

DEAR SIR, — I beg to acknowledge your favor of the 10th, and noticed last evening, on my return home, that the process of repair on Sigourney street had commenced.

Yours truly,

M. S. BOLLES.

EXHIBIT 140.

CITY OF BOSTON.

BOARD OF COMMISSIONERS OF THE DEPARTMENT OF PARKS.
OFFICE AT PINE BANK, JAMAICA PARK,
[COPY.] JAMAICA PLAIN, MASS., Jan. 26, 1900.

CHARLES E. STRATTON, ESQ., *Chairman:*

DEAR SIR, — In connection with the request of the Park Department for an appropriation of $250,000 for completion of the parks I would respectfully suggest that the term completion of parks is probably too broad as the intention is only to cover the work of construction according to certain plans and estimates. Now parks as a matter of fact are never completed in the sense that no further expenditures are required other than those for maintenance; this is the experience in all park departments, changes, additions, and restorations are constantly being made to meet the requirements of progressive communities. In view of this would it not be better at this time to suggest the putting of the department's annual expenditures on a permanent basis, basing the amount required for maintenance on the expenditure of the previous year, with provision for expected additions to its charge during the current year; this, with the addition of, say $150,000 for construction and improvement account would enable the department to complete the work of construction, and make improvements as may be deemed advisable from time to time, enabling the department also to maintain a permanent working force, and lessen, in a measure, the hardship attending the discharge of men, when, as now happens, special appropriations are expended. I beg to submit a few abstracts from the reports — such as happened to be at hand — of park commissions of other cities, of expenditures, indicating by comparison that, under the lines suggested, Boston's Park Department would compare favorably in point of economy.

	Acres.	Maintenance.	Improvement.	Construction.	Total.
Boston, 1900, proposed . .	1722	$183,000 00	$150,000 00	——	$333,000 00
Brooklyn, 1896, Old City Parks,	889	399,701 17	202,370 14	——	602,071 31
Brooklyn, 1896, New City Parks,	686	——	——	$840,002 70	——
Chicago, West Parks, 1897 .	746	360,000 00	110,000 00	——	470,000 00
Chicago, South Parks, 1897 .	1498	357,029 94	357,852 54	——	714,882 48
Chicago, Lincoln Park, 1894 .	350	185,672 50	45,107 77	——	230,780 27
Buffalo Parks, 1896 . . .	950	Improvement and maintenance			304,714 12
San Francisco Parks, 1896 .	1314	"	"		249,660 55

Brooklyn Parks, total area, 1,575 acres; total amount expended, $1,442,074.01.

Chicago Parks, total area, 2,594 acres; total amount expended, $1,415,662.75.

Boston Parks, total area, 1,722 acres; total amount proposed, $333,000.00.

The above method of providing funds for park and playground improvement might find more favorable consideration from the Mayor and the Appropriation Boards than any other at this time, when the sentiment of the community, from necessity, seems to be for strict economy, and a paring down of expenditures.

Based on last year's appropriation for maintenance an equal appropriation this year would be $156,188, as follows:

From the city	$140.000 00	
From Commonwealth avenue	5,000 00	
		$145,000 00
Add $\frac{1}{9}$ of $100,707 for extra cost of labor at 8 hours per day,		11,188 00
		$156,188 00

Providing no money is appropriated for improvement the working force will have to be cut down to a point to correspond to our maintenance appropriation. This would necessitate the discharge of twenty-four specials (among whom are included engineers, foremen, gardeners, etc.) and 300 laborers. An appropriation of $150,000 per annum for improvement would employ the specials and about 150 laborers, leaving only 150 laborers to be discharged.

It must be borne in mind that little saving can be effected in the organization of the department; there are fixed charges that can not be cut off whether much or little work is done, the organization which can direct the work of maintenance, can, without added expense, handle much more.

Very respectfully,

(Signed) J. A. PETTIGREW,
Superintendent.

EXHIBIT 141.

CITY OF BOSTON.

BOARD OF COMMISSIONERS OF THE DEPARTMENT OF PARKS,
OFFICE AT PINE BANK, JAMAICA PARK,
JAMAICA PLAIN, MASS., May 11, 1900.

CHARLES E. STRATTON, ESQ., *Chairman:*

DEAR SIR, — According to your instructions I have prepared an itemized estimate for certain works of construction in the parks, amounting to $250,000. You will observe that I have placed $15,500 to the credit of Charlesgate Improvement, and $15,000 to West Roxbury Parkway; of course this will only provide for partial development at both places.

I enclose also a summary of the different kinds of work included in the estimate, and the total amount to be used in each kind of work. I may here note that if this appropriation is given us, not more than $100,000 will be available for the payment of labor, the remainder being mostly work that we shall be obliged to contract for. This has some bearing on any statements that may be made as to the amount of labor that we can employ during the year, if this appropriation is made. I find on a rough calculation that it will not permit us to employ any more than we have at present — 208 men.

Very respectfully,

(Signed) J. A. PETTIGREW,
Superintendent.

May 11, 1900.

Approximate estimate of the cost of the principal items of construction work to be done in the Park System:

COMMONWEALTH AVENUE.

Tool-house	$1,000	
Sidewalks	1,500	
		$2,500

THE FENS.

Grading and drainage at Charlesgate		15,500
Sanitary room in Stony Brook Gate-house	500	
Plantations	5,000	
		5,500
Tool-house	1,000	
Sanitary building	6,000	
		7,000

RIVERWAY.

Tool-house		1,000

LEVERETT PARK.

Sanitary building	$6,000	
Widening tree space and planting	2,500	
Walks and grading	1,000	
		$9,500

JAMAICA PARK.

Shore of pond, including walk		3,000

ARBORWAY.

Roads and walks		2,000

ARNOLD ARBORETUM.

Sanitary building	$6,000	
Drainage (Woodman street)	10,000	
		16,000

WEST ROXBURY PARKWAY.

Roads, walks, and drainage		15,000

FRANKLIN PARK.

Roads and walks	$13,000	
New store-house, oil-house, and completing repair shops	9,400	
Grading, clearing and general work	19,200	
Country Park drainage	1,000	
Loam, Long Crouch Woods	16,500	
Loam (General)	15,000	
Three Sanitary buildings	18,000	
Three shelters (open sides)	7,500	
Golf house	6,000	
		105,600

FRANKLIN FIELD.

Shelter		5,000

DORCHESTER PARK.

Boundary walls	$3,100	
Plantations and woods	5,000	
		8,100

DORCHESTERWAY.

Roads, walks and plantations		3,500

STRANDWAY.

Loam and planting		23,000

MARINE PARK.

Tree space and planting in Q street	$2,500	
Drainage (pools to beach)	1,000	
Curbing	1,000	
Fence	3,000	
		7,500

CASTLE ISLAND.

Plantations	$2,000	
Shelter	3,000	
Sanitary building	5,000	
		10,000

WOOD ISLAND PARK.

Stairway to foot-bridge	$300	
Drainage	500	
Shelter	4,000	
		4,800

COPP'S HILL TERRACES.

Sidewalks	$300	
Seats	200	
		500

CHESTNUT HILL PARK.

Clearing, drainage and general work	5,000
	$250,000

SUMMARY.

May 11, 1900.

For what Construction Purposes an appropriation of $250,000 will be applied :

3 Tool-houses	$3,000
8 Sanitary buildings	33,500
6 Shelters	21,500
Golf-house	6,000
Loam and planting	73,500
Roads and walks	25,650
Drainage	18,950
Sheds and store-house	9,400
Grading, etc.	16,200
Walls	7,300
Curbing and fences	4,000
Bridge stairs and seats	500
West Roxbury Parkway	15,000
Charlesgate water front	15,500
	$250,000

EXHIBIT 142.

May 17, 1900.

Maintenance Force under Present Appropriation of $151,300.

Special Occupations:

1	Superintendent	$3,600	
1	Instructor	1,200 00	
1	Civil Engineer	2,028 00	
1	General Foreman	1,820 00	
2	Foremen	3,120 00	
1	Foreman	1,404 00	
1	Planter	1,196 00	
1	Instructor (Athletic)	1,196 00	
1	Shepherd	728 00	
3	Sub-foremen	3,042 00	
1	Engineer (mechanical)	1,092 00	
1	Time Clerk	1,092 00	
1	Store-keeper	1,092 00	
1	Watchman	1,001 00	
2	Watchmen	1,690 00	
1	Plumber	936 00	
1	Blacksmith	936 00	
1	Mason	780 00	
1	Engineer	858 00	
1	Engineer	780 00	
6	Gardeners	5,148 00	
3	Carpenters	2,574 00	
1	Painter	780 00	
1	Helper	702 00	
3	Janitors	2,730 00	
1	Janitors' Assistant	468 00	
3	Messengers	1,482 00	
2	Stable-boys	956 00	
17	Teamsters	11,191 44	
1	Barn-boss	910 00	
10	Boys	3,120 00	
23	Laborers (veterans)	14,352 00	
55	Laborers	33,001 66	
	Park Commissioners' office force	10,165 75	
	Supplies	34,127 35	
			$151,300 00

FIFTEENTH DAY.

CITY HALL, May 18, 1900.

The Committee met in the aldermanic chamber, City Hall, at 2 o'clock P.M., Chairman NORRIS presiding, and all the members of the committee present.

Appearances. — Same as before.

The CHAIRMAN. — The committee will please come to order. It is the desire of the committee that during the progress of these arguments absolute quiet shall reign, so that we can continue as rapidly as possible. The committee want to have it stated that they desire to sit until both counsel are heard and to finish to-day. The committee are now ready to hear arguments, and Mr. Matthews will proceed.

ARGUMENT OF HON. NATHAN MATTHEWS, JR.

Mr. MATTHEWS. — Mr. Chairman and Gentlemen of the Committee: I would like to preface my consideration of the evidence in this case by making a few prelimary observations upon the general character and tendencies of investigations such as this; and, inasmuch as I have no intention to criticise the conduct of this investigation by this committee, and as I do not wish that there shall be any misunderstanding on that point, I have taken the trouble to write out what I have to say upon that branch of the case.

This is an investigation by the Board of Aldermen of the city of Boston under the authority of P. S. ch. 169 sects. 7 and 8, which authorize a committee of either branch of the City Council to summon witnesses to any hearing on any matter within their respective jurisdictions.

The investigation came about through the introduction in the Board on February 5 last of an order requesting the Mayor to petition the Legislature for an act abolishing the Park Commissioners and substituting in their place a single paid superintendent. This order was assigned for one week and was then, on February 12, discarded, and the following order substituted in its place:

"*Ordered*, That the chairman appoint a committee of seven members of this Board to investigate the management of the Park Department, and, if necessary, to summon persons and call for papers."

This order was supplemented February 26 by the passage of another order approved by the Mayor February 27, as follows:

"*Ordered*, That the Special Committee of this Board appointed to investigate the management of the Park Department be authorized to give public hearings, employ counsel and a stenographer, and incur such other expense as may be necessary; the expense of the same to be charged to the contingent fund of the Board of Aldermen."

A committee of seven was then appointed to conduct the investigation, including some members of the Board who in the debate of February 12 had severely criticised the Commissioners, their subordinates, advisers, expenditures and methods. At the first hearing, however, the Chairman assured the Commissioners that the committee was absolutely unprejudiced; and the investigation accordingly proceeded.

I desire at the outset to bear testimony, on behalf of the Commissioners, to the spirit of fairness which has prompted the rulings of the committee, to the dignity, impartiality, and sense of expedition exhibited by its presiding officer, and to the uniform courtesy of counsel. The manner in which this investigation has in these particulars been conducted may be cited as an example of how such undertakings, so likely to be made the instrument of blackmail or revenge, ought to be conducted in justice to both public interests and private rights. Even the rules of evidence have been as closely followed, perhaps, as the nature of the investigation and the general character of the charges made permitted.

Having thus said what I thought ought to be said in recognition of the patience and fairness shown by the committee during the course of this particular investigation, may I be permitted to present a few preliminary considerations touching upon the unworthy motives which too commonly lurk behind the suggestion of a legislative inquiry, the demoralizing methods by which such inquiries are sometimes conducted, and the unfortunate results which generally follow them?

There have, of course, been useful investigations, such as the Fisher Hill Investigation at the City Hall some fifteen or twenty years ago, and others that may occur to you; but other inquiries of this sort have notoriously been a discredit either to those who instigated them or to those who con-

ducted them. I need only refer to the Lexow inquiry in New York some years ago, to the similar investigation held in that city last summer, and to the so-called investigations of the gas situation in Boston which now seem to form a part of the annual proceedings of the Massachusetts Legislature.

The chief evils of these investigations come from the ostensible resort to the forms of law observed in courts of justice.

In an ordinary executive inquiry or committee hearing statements merely are made; they are not given under oath; counsel are not retained; and the statements made or opinions expressed are not preserved in print. In a legislative "investigation," however, the witnesses are sworn, and what they say is perpetuated as "evidence" in official documents printed at the public expense. Although the statements may not be evidence in any proper sense, their relevancy is passed on by a tribunal composed neither of judges nor for the most part of lawyers; and if hearsay evidence or opinions as to facts are admitted, there is no redress.

Safeguards against perjury are also absent; for although the witnesses are sworn and are theoretically liable for perjury, it would be difficult, if not impossible, to secure a conviction. In this particular case, for instance, the law (P. S. Ch. 169, sect. 7) provides that witnesses may be summoned to attend and testify before a joint or special committee of the City Council or any branch thereof at any hearing upon any matters within their respective jurisdictions. Sect. 8 provides that if a witness duly summoned fails to attend such hearings, the presiding officer of the City Council or either branch of it may issue a warrant to bring the witness before them. It was held by the Supreme Judicial Court in Whitcomb's case, 120 Mass. 118, that this section, in so far as it purported to confer upon municipal boards and officers, which are not courts of justice, authority to punish for refusal to testify, was unconstitutional and void. This left investigating committees of a city government with authority to summon witnesses, but without power to compel them to attend or to testify if present. By St. 1883, ch. 195, however, the Legislature vested in the justices of the Supreme Judicial and Superior Courts the power, upon the application of any tribunal having authority to summon, but not power to compel the attendance of witnesses and the giving of testimony, to compel such witnesses to attend and give testimony before such tribunal in the same manner and to the same extent as before said courts. P. St. ch. 205, sect. 2, provides that any person who is required by law to take an oath or

affirmation and wilfully swears or affirms falsely in regard to any matter or thing respecting which said oath or affirmation is required, shall be deemed guilty of perjury and punishable by imprisonment for not exceeding twenty years.

The result of the statutes and decisions would seem to be that a committee such as this has theoretically the power to summon witnesses, and can theoretically force them to attend and testify by means of an application to the Supreme Judicial or Superior Courts ; and that theoretically any person giving false testimony under such conditions is subject to trial and conviction for the crime of perjury. But the limitations upon the accuracy of this statement are so great as practically almost to destroy the power of such committees to protect the community against false testimony. For instance, the jurisdiction of this committee is apparently limited by P. S. ch. 169, sect. 7, to matters within the jurisdiction of the Board of Aldermen; and the question arises whether anything relating to the Park Department is within the jurisdiction of the Board of Aldermen as such? Is it not rather within the jurisdiction of the City Council as a whole, and must not the committee therefore be a joint one in order to avail itself of the powers conferred by the Public Statutes? In the next place the power to compel a witness to answer questions must, on general principles, be limited to such questions as are material and relevant to the issues properly before the committee (See *Re Chapman* 166 U. S. 661, 668); and where it is attempted to investigate an entire department or its management during a series of years it may be difficult to determine what the issues before the committee are. This would be particularly the case when no specific charges are made. Then all that the committee can do if the witness refuses to appear or answer, is to make an application to the Courts, and the order of the Court can only compel the witness to testify "in the same manner and to the same extent as before said Courts," — whatever this may mean. Finally as to the penalty. P. S. ch. 205, §. 2, limits the crime to such false testimony as may be given in regard to any matter or thing respecting which the oath or affirmation is "required."

It would seem, therefore, to be open to any person indicted for perjury at a hearing of this sort, to contend that the question was not pertinent or relevant to any issue properly before the committee, either by reason of the committee or the Board of Aldermen having no special jurisdiction over the department in question, or by reason of the absence of specific charges, or for any other reason that the ingenuity of counsel could suggest; and that therefore no answer was

"required" of him. From a practical standpoint, it would certainly be very difficult to secure a conviction for perjury under such circumstances; and I believe, as a matter of fact, that the attempt has never been made. Persons unjustly slandered at the hearings of a committee of the City Council, and the public generally, are therefore without the same protection in the shape of a possible prosecution for perjury that is afforded in proceedings conducted in a court of law.

Moreover, if it is difficult to secure a conviction for perjury committed at these hearings, owing to the doubtful nature of the jurisdiction and powers of the committee, so those who wish to secure the attendance of unwilling or hostile witnesses may find it impossible to do so. Those who wish to testify, no matter how little they may know, are heard; those who know and ought to be heard may stay away; and there is no practical redress in either case. The sanction of the law is lacking. The solemnity of the court room is absent. In short, as every one knows, the forms of judicial practice are in such cases too often resorted to only to give a false color of authority to malicious and irresponsible slander.

The procedure at its best is ill adapted to the elucidation of truth. The whole committee need not be present at the hearings, and rarely is. The report is not a verdict or decree, but merely a finding, more or less specific, on some or all of the matters in controversy. There is no higher tribunal to which to appeal in case of any errors of law or procedure on the part of the committee.

When we add to these infirmities the great expense, the tedious delays, the personal inconvenience and the undeserved publicity which accompany most undertakings of this sort, it is not surprising that the legislative investigation is not in good repute and is so generally accounted a failure.

A reasonable amount of publicity is necessary, of course, for the proper conduct of public business. The fierce light which is said to beat even about a throne ought to disclose to public view the transactions of our state and city governments; but the sensational glare of a public legislative inquiry conducted in apparent conformity to the rules of judicial procedure, but too often in reality as a mere medium for irresponsible assertion, is a method of investigation to which recourse should be had only in cases of exceptional gravity supported by specific and carefully formulated charges.

If these precautions were more frequently observed the members of our state and municipal legislatures would be spared a great amount of useless labor, considerable expense

would be saved to the community, and public officers would be encouraged to perform their duties honestly and fearlessly.

If, on the other hand, a public investigation with its disagreeable and unmerited publicity, its expense for witnesses and counsel, and its endless opportunities for the exhibition of malice, ignorance and perjury, is to be the fate of every public officer who does his duty and thereby makes enemies,—as every one who does his duty must, — then the public service is likely to be filled by those who will avoid the annoyance of investigation by yielding in advance. If public officers of honorable repute, against whose character and capacity no word of slander has ever been spoken, are suddenly to be put on public trial at the bar of our municipal legislatures simply because a few citizens find something to complain of in the management of one of the executive departments of the city government; if years of faithful and oftentimes, as in this case, of gratuitous public service, are to count as nothing with the elected members of the government in comparison with the unsupported insinuations of discharged employees, dissatisfied property owners, or captious busy-bodies too careless to ascertain the facts for themselves, public office, gentlemen, will cease to be attractive except to those who ought not to occupy it.

These observations are made, as the committee is aware, not so much in criticism of the course of this particular investigation, as in general deprecation of public trials of this sort without detailed charges or specific evidence of wrong doing.

The committee may have felt as the investigation proceeded that it was certain to prove a failure, or to quote from current newspaper comment upon the case, a "farce"; and this is doubtless true with respect to any evidence of mismanagement, extravagance or fraud; but, as I shall take pains to explain more fully later on, the Commissioners do not regard some of the matters touched upon at these hearings as trivial in themselves or as in any manner inappropriate subjects for inquiry by the Board of Aldermen. They may regret that the inquiry took the form of a public trial; but they are convinced that so much of the evidence in this case as relates to the general theory of park management, particurlarly with reference to landscape work and the care of the plantations, touches a matter of vital and permanent concern to the people of this city. They look forward to the final result of this investigation in the hope that it will be the means of satisfying the community that the general policy of the Commissioners and their predecessors

in office in this regard is the correct policy, and that it will furnish the Commissioners and their successors in the further execution of this policy that popular support without which official effort can accomplish little.

When the order for this investigation was passed and the Board of Aldermen, instead of quietly sending for the Commissioners or their subordinates, chose to inflict upon the Park Commissioners the mortification of a public trial, it was not unnatural that my clients' first thought was to ignore the proceedings except so far as their personal attendance might be required; having in mind in case that course should meet with the disapproval of the City Council or the Mayor the final remedy of resignation from an unsalaried and thankless office. Upon reflection, however, it appeared to them that other interests than their own were concerned. It was rumored that evidence, known to the Commissioners to be false, would be offered to show corruption on the part of one of their most trusted subordinates; a conspiracy among certain foremen was discovered having for its object the appointment of one of their own number to the responsible office of superintendent; and one of the main objects of the unofficial promoters of the investigation was understood to be the overthrow of all those well settled principles of landscape art and park management according to which the work of the Commissioners and their predecessors in office had been carried on under the advice and guidance of Mr. Frederick L. Olmsted and Professor Charles S. Sargent.

U nder these circumstances the Commissioners concluded thatit was necessary for the defence of their subordinates, for the good of the Department, and above all for the best interests of the great work to which they had devoted so much of their time and energy — the completion of the Boston parks — that the case for the Department should be properly placed before the committee. Disagreeable as the task before them was, thoughtless as they believed the action of the Board of Aldermen to have been, they yet remembered that they had been highly honored in having been entrusted with the task of finishing what will in many respects, if its completion is not prevented by ignorance and prejudice, be the greatest park system in the world. They felt that they must take the bitter with the sweet. They have accordingly taken part in the investigation for the purpose of defending their subordinates from perjury and slander, of explaining the theories of landscape art and park management in conformity to which our parks have been laid out

and built, and of otherwise assisting the committee in any way they could.

One or more of them have been present at almost every session of the committee and have freely presented themselves for cross-examination — an opportunity which counsel for the committee has as freely seized. The superintendent, chief engineer, general foreman and secretary have also, subject to occasional absence on account of illness, been in constant attendance at the hearings. All the records, correspondence, books and papers of the Commission have been placed at the disposal of the committee, its counsel, and its experts. Expert accountants and surveyors, appointed by the committee, have been assisted in their investigations by the Commissioners and their subordinates. In these and other ways, in fact in every way suggested, the fullest information has been furnished.

Every subordinate in the department has been free to testify according to his sense of accuracy and veracity; and although some of them have made some remarkable statements concerning matters about which they had no means of knowing anything, this fact has not interfered with their continued employment on the work on which they had previously been employed, and which the commissioners considered they were competent to perform.

The effect of the investigation upon the Department has been what might have been anticipated. The employees suspended for lack of funds in February were led by designing persons to believe that the order to investigate the Commissioners was a cause of their suspension. They accordingly thronged the earlier sessions of the committee, forming a friendly audience for the wandering criticism which constituted most of the testimony against the Commission. One foreman who would long since have been discharged for incompetency if he had not been supposed to be a veteran, has been particularly energetic in fomenting trouble, looking up witnesses, searching with Sherlock Holmes activity for evidences of fraud, promising places when he came to be superintendent, and generally stirring up mischief and disorder. Men discharged from the department for neglect of duty or fraud have come voluntarily forward to criticise the Commissioners and their methods; and one of them did not hesitate to commit the rankest perjury in aid of the conspiracy to overturn the Department. Employees engaged in the humblest kind of manual labor were not only solicited to turn informers concerning every trivial error committed by their fellow workmen during the past four years, but were

especially encouraged to give expert opinions upon the value of materials and the principles of landscape art. Even when honestly denying any knowledge of these matters they were pressed for an answer to questions requiring the highest professional skill to pass upon.

Is it any wonder that for the past two months the Park Department has been in a state of demoralization, that discipline has disappeared, that much of the work has been retarded, and that some of it which can only be done at this season of the year has necessarily been omitted?

All parties to this case are therefore, I think, to be congratulated that it is finished.

So much, Mr Chairman and gentlemen, by way of introduction. I will now pass to the discussion of the evidence.

The committee has held fourteen afternoon and four evening sessions; forty-six witnesses were examined for the prosecution, ten others were called for the defence; the evidence, oral and documentary, covers 1,479 printed pages, or nearly half as much as that taken during the investigation of the Department of Public Institutions in 1894, which lasted nine months and embraced fifty-seven public hearings; between 75 and 100 specific questions relating to the management of the department have been raised; and as the Commissioners feel that for the sake of the record substantially all these points of criticism should be discussed, my argument may perhaps be somewhat long. If you find it is so I will ask you to credit me with not having occupied much time in the cross-examination of the witnesses for the committee and with having called only a dozen witnesses for the Commissioners, although the entire community might have been summoned to show popular approval of the Commissioners' work.

Very little evidence, in fact, was submitted for the Commissioners; and if they had not felt — for the reasons already stated and also outlined at the hearing of April 25th — that they were in duty bound to see that all the facts of the case were made a part of the record, even that little would probably have been omitted.

It is understood, I believe, that counsel may refer to the annual reports and other publications of the Park Department, to the official proceedings of the City Council, and to other public documents.

At the first hearing held March 16, 1900, Mr. Lundy

presented what he called a "general statement," or "something in the line of specifications," which was as follows:

"The complaint alleges negligence of this department by the Board of Commissioners and consequent mismanagement, extravagance, gross waste, incompetency, and corruption on the part of a number of subordinates of the department.

Respectfully submitted,

JOSEPH LUNDY,
Attorney for the Committee."

These charges are vague and indefinite, and, we have therefore to turn to the evidence itself in order to see what was really in the minds of those who instigated this investigation.

I will first take up the alleged violations of law in the purchase of playgrounds.

Nothing, of course, need be said to this committee concerning the advisability of playgrounds. That is a question with which all our citizens are familiar, and concerning which they are all agreed. Some people, however, seem to think that playgrounds are a new thing in Boston. That is not so; for six were acquired prior to 1895. Eleven others have been secured since January 1, 1896, during the period now under investigation. Six of these were taken under the authority of special appropriations of the City Council designating the particular lots in question. If, therefore, there is any criticism of the judgment of the Commissioners in selecting these six playgrounds, that criticism should be shared by, or perhaps shifted to, the City Council of Boston. The Neponset Playground was taken under an appropriation dated July 9, 1895; Billings Field and the North End Playground under an appropriation passed October 22, 1896; and the Fellows Street, Gibson School and Mystic Playgrounds under an order passed June 18, 1897.

There have therefore been only five playgrounds taken by these Commissioners unaided by the instructions and appropriations of the City Council. These playgrounds were all taken under Chapter 412 of the Acts of 1898, or Chapter 279 of the Acts of 1899. Two of them were supported by a large number of petitioners. The acquisition of the Columbus-avenue Playground was urged by one hundred and two petitioners, and by the People's Institute, representing, as was claimed, over a thousand more. These petitions will be found in Exhibit 69 A. Three hundred and twenty-one citizens of Boston petitioned, as shown in Exhibit 69 B, for the Ashmont Playground. Two others — the Savin Hill and

Roslindale Playgrounds — were taken by the Commissioners, apparently, upon their own responsibility. The fifth, the Forest Hills Playground, was taken, against the will of the owners, and the matter is now in court.

The land for these playgrounds was acquired cheaply; the amount paid by the Commissioners for this purpose from January 1, 1896, to date having been only 28 per cent in excess of the assessed value of the lands paid for, while the amount paid by previous Commissioners for the playgrounds taken prior to 1896 was 50 per cent. over the assessed values.

The playgrounds acquired under the act of 1898 — that is, those not designated by the City Council, but taken by the Commissioners under the authority vested in them by that statute — cost only twenty-six per cent. over the assessed valuation. These figures are to be found in Exhibit 69, or may be figured out from it.

The most important purchase of all, with reference both to location and to cost, was that for the Columbus-avenue playground. That site was acquired, Mr. Chairman, for the almost unheard-of price of only 15 per cent. in excess of the Assessors' valuation.

These facts indicate a singular success on the part of the Commissioners in securing the land for playgrounds cheap.

But it is said that the Commissioners have exceeded their lawful powers and have spent for playgrounds more than the statute of 1898 authorized. That act, as you will remember, authorized an expenditure of $500,000 in all, not more than $200,000 of which "shall be expended in any one year." That is the language of the act; and this provision of it was not modified by the act of 1899.

Prior to January 1, 1900, the Commissioners expended, according to their books, $62,382; and $256,242.29 more during the month of January, 1900. That was argued by brother Lundy to amount to an expenditure within the meaning of that word as used in the act, of $256,242.29 in the calendar year 1900, and of $318,524.29 in the fiscal year 1899–1900; and his contention was that, whether we take the calendar or the fiscal year, the expenditure was in excess of the $200,000 authorized by law. These figures are from the books of the Park Department and show the drafts drawn upon the City Treasury; but they do not indicate the actual payments by the city, for the reasons explained by the City Auditor on page 827. The Auditor's books show that $62,382 was actually paid by the city in 1899, and only $394.31 in the month of January, 1900. But the petition for a writ of certiorari brought by the President and Fellows

of Harvard College against the city, Exhibit 73, and the Answer of the City, Exhibit 74, show that other sums have been paid since February 1, 1900.

The result of the whole thing is that, up to date, so far as appears by the evidence in this case, the total amount already paid or in process of collection for the playgrounds acquired in 1899 and 1900, is $343,718.71, leaving a balance of $56,281.29 of the appropriation for this year unexpended, besides $100,000 available next year.

The ground of complaint set forth in the Harvard College suit is somewhat different from that relied on by brother Lundy; but I will not take up the time of the Committee by discussing the legal aspects of this case. The position of the Commissioners is that the word "expended" is not to be construed literally; for, if it were, the provision for taking land under the power of eminent domain would be practically meaningless; and that the unexpended balance of $137,618 which stood to their credit on December 31, 1899, was carried over and stood to their credit this year, in addition to the $200,000 available this year under the act itself. They base this argument upon the opinion of the City Auditor, which you will find on page 828 of the evidence, and upon the uniform practice of the city and its several departments, which must be well known to all of you. They also say that the lands taken and not yet paid for are not worth more than the unexpended balance now on hand of $56,281.29.

I am willing to admit that the question is not wholly free from doubt; but it is a question of law purely. The Commissioners' action has been in accord with the practice that has always obtained at City Hall, and no harm has been done if the suit brought by the College is successful. The city has not yet paid anything for this playground, and if the taking was illegal it will have saved this money and will have it to expend on other playgrounds. The petition, I may add, was dismissed by Mr. Justice Barker; but I assume than an appeal will be taken to the full Court.

As to the selection of the playgrounds taken under the Act of 1898, I care to say nothing in addition to what I have already said. The committee can judge of the usefulness of the lots selected by a personal visit, and in no other way. I think, that having seen the playgrounds, the committee cannot fail to reach the conclusion that, on the whole, they were judiciously selected. I would call particular attention to the large area of land acquired upon Columbus avenue.

The only criticism, Mr. Chairman, that so far as I can see anyone could pass upon the Commissioners for their action

under the playground acts would come from the present Mayor of the city, on the ground that the Commissioners exceeded the bounds of political propriety, when they voted to expend practically the whole of the appropriation available for the current year before ten o'clock on the morning of January 1st, the day on which His Honor was inducted into office. But that the Mayor was not offended seems apparent from his reappointment of Mr. Commissioner Pratt on the 16th day of April, 1900, four months later, for a new term of three years.

I pass now to the defective work that is said to have been discovered by the amateur detectives set in motion by Mr. Jeffery and his associates.

Poor work is said to have been discovered in a road near Audubon Circle, in certain roads on Peter's Hill, in some catch-basins on Peter's Hill, in a small portion of a wall at Franklin Park, in a misplaced fence at Franklin Field. Besides these items a few loads of poor loam are to be found scattered through the evidence, but not on the surface of the parks. I beg the committee to note that in commenting upon this evidence I have referred to every case that has been mentioned, not omitting any.

What a schedule that is! Just think of it, Mr. Chairman! How much money do you suppose the Commissioners have expended, not for land, but for construction, in the four years that are under investigation in this case? Over $1,800,000. And all that these gentlemen can find, after months of assiduous detective work, are these few and trivial suggestions of bad work, spread out so as to cover several hundred pages of testimony.

Two of them are well founded. There was a small portion of a wall in Franklin Park which went to pieces, through some mistake in its construction; and there was a fence erroneously placed upon somebody's else land at Franklin Field. Both these matters have been explained by the witnesses in this case. They were mistakes — two little mistakes, costing the city perhaps $25 or $50, out of a total expenditure of nearly two million dollars.

The other complaints of poor work proved to be unfounded. The complaint about the roads and catch-basins rests entirely upon the testimony of Messrs. Jeffery and MacCallum, the two suspended foremen. It is refuted by every witness with any professional or technical knowledge of the subject — by Messrs. Pettigrew, Putnam, and Shea, and by the contractors Nawn and Johnson. Jeffery admitted that if bad work had been done its results would be apparent now.

The committee has been over these roads — or, if it has not gone over all of them, it can do so now, — and no bad work on the surface of the park roads has been or can be detected. Holes were dug in the roads, and the construction thereby disclosed was good. The catch-basins have been examined and reported sound and properly constructed. The cement which was criticised was brought into court and, so far as any of us could judge, it was all right.

There has been some testimony about poor loam alleged to have been delivered at various portions of the parks. That rests entirely upon the evidence of Mr. Jeffery and Mr. McGovern. Jeffery we know all about. He is the man who started the investigation, who hunted up the witnesses, and who succeeded in discovering Kelly. He was to be Superintendent, if the scheme was successful. I need not dwell on his statements very long. I would like however to call your attention to Mr. McGovern's testimony for a moment. Mr. McGovern said that he sold loam at some time, he couldn't remember when, to a contractor, whose name he didn't know, to be taken from some place he couldn't describe, for delivery he didn't know where. Afterwards, in traveling round the parks in a buggy, he noticed this loam. He couldn't explain how he was able to identify the loam, he couldn't state the name of the teamster, or the name of the contractor, or the amount delivered; and he was unable at the present time to identify the spot where he discovered, in his wanderings about the park in a buggy, this defective loam. He not only could not recall dates, names, localities, or amounts, but he could not tell you the name of any person to whom he had ever mentioned the subject at the time.

That, Mr. Chairman, is a fair sample of the evidence in this case respecting the poor quality of work and materials. On the other hand, all the witnesses who have been examined in this case who know anything about the subject state that the loam delivered was universally of good quality. It doubtless varied; occasionally poor loads would be sent, which would be detected and rejected; but on the whole, the loam was of excellent quality.

All charges of defective work or materials might also be waived aside and considered as out of the case, because of the omission of the committee to ask any expert to examine the work on its account, as might easily have been done. The Commission would have welcomed such an investigation into the character of the work alleged to be defective; as it did when the committee sent experts to verify the quantities of loam delivered at Marine Park.

It is also said that materials have been wasted.

It is said that curbstones were buried in the earth or thrown aside, which might have been saved and used or sold. It appears that those curbstones were all cut to a curve, and therefore had no value for any other site. When they had any value, as when they were straight, they were saved and used.

It is said that gravel at the Fens was given to contractors for nothing, when it might have been sold. As a matter of fact, this gravel was not gravel in the commercial sense, but was mixed with clay and loam, and had no value. The department made many efforts to get rid of it, including requests to the Street Department of the City of Boston to take it away for nothing. It failed in all these efforts, but finally managed to dispose of it to a contractor named Coleman, upon terms which amounted to compensation to the city.

Ballast is said to have been used in the Aborway, on Leverett Park, for filling. That is a perfectly proper use for ballast, as good as any other.

Roxbury stone is said to have been dumped into Ward's pond, whereas it might have been sold to contractors for fabulous sums. Witnesses have thought that contractors must have been willing to pay something for this stone; but no contractor was produced on behalf of the Committee who had offered anything or would offer anything to-day for it. If any such contractor exists in the city of Boston, the stone is at his disposal now. A one dollar bill, I fancy, will take the whole of it, because that is more than the department will get for it in any other way. It is still in the pond, and can be delivered to anybody who will take it away. Mr. Johnson, the contractor, says no one would take it as a gift.

It is said that there was granite stone at Leverett Park, which was also dumped into the pond instead of having been sold at a large profit to the city, as it should have been. That statement rests upon the testimony of a witness named Kane, a suspended park laborer, who said at first that this granite was thrown into Ward's pond. Then we had the pond drawn down and the stone exposed to public view, as it appears in the photograph which I hold in my hand (Exhibit 122); and the Committee were invited to go out and inspect the stone while the water was down. Apparently Mr. Kane took advantage of the invitation, although the Committee did not, and the next morning he came into City Hall to change his testimony. He then said that this granite was dumped not in Ward's pond, but in another little pond alongside, which has since been filled with gravel; and when

I asked him why he had said it was Ward's pond the day before, he said he thought the little pond was called Ward's pond, too! In other words, according to Mr. Kane's revised edition of his testimony, there were two contiguous ponds, both bearing the name of Ward. But that was not the end of the absurdities in his testimony. He said that there was only one of these little ponds. I asked him, you remember, if he was sure about that, and he said he was, that he had been there a great many times, and had seen only one. As a matter of fact there were three, as everybody knows except Mr. Kane.

That is all the evidence there is in this case to show that any granite was thrown into any of these ponds. On the other hand, Mr. Pettigrew and Mr. Shea say that there was no granite thrown into them; that, on the contrary, what little granite there was was carefully placed on the surface of the ground and preserved for future use; and that it still lay upon the surface of the ground when we invited the Committee to inspect the premises, after the water had been drawn down in Ward's Pond, at the close of the hearing on March 29. Exhibit 123 is a photograph showing this stone. It has since disappeared, however; not because it has been thrown into a pond or been covered up with fifteen feet of gravel, but because it has been used. It has been applied to the purposes for which it was intended when it was set aside upon this spot.

This Mr. Kane has another grievance. He says that loam was wasted by being covered with gravel at Ward's Pond. Well, Mr. Pettigrew has explained the reason for that; it is the ordinary method of preparing the soil at the edge of a pond for water plants.

Some of the hay and grain belonging to the department is said by one Thomas Connolly to have been disposed of by Mr. Allen, an employee of the Department, for his own private use and benefit. This allegation rests upon the testimony of Mr. Connolly alone, and it appears that he was a laborer in the Department on Sunday, was discharged on Monday, and testified on Tuesday. If you will look at pages 968 and 969 of the evidence in this case and read his own account of the reasons why he was discharged, I think you will probably conclude that Mr. Allen was telling the truth, rather than Mr. Connolly.

It was said that seed was given away by the department. That has been shown to be a perfectly proper and customary thing to do, and it was done without any injury or loss to the department.

It is said that shanties were given away. So they were; including portions of one given to Mr. Jeffery, according to

the evidence, although he denied it. That was a perfectly proper thing to do. After you have got through with a contractor's shanty, it is not worth anything, and you have to pay to have it carted off. If you can get someone to take it away so much the better. The only improper thing in this case in relation to the dismantlement of shanties is Jeffery's denial that he took any part in such a transaction, whereas, according to the evidence of two witnesses, he did.

It is said that wood was sold. So it was; but there is no evidence to show that the price obtained was below the value of the wood.

Watering carts were sold — as, of course, they must be, when they wear out and lose their value. There is no evidence that the price obtained was inadequate. They were subsequently used in a temporary emergency; but for the purpose for which they had formerly been employed by the Department they had ceased to have much value.

This whole list, Mr. Chairman, is nothing but a series of mistakes concocted by Mr. Jeffery and his associate detectives. They are too easily exposed to form serious subjects for discussion. No expert evidence has been produced to show that the city did not obtain full value for what it disposed of. Not a contractor in Boston who offered to pay anything, or would have paid anything, or would pay anything now for this material, has been produced. On the other hand, five or six witnesses who know about such matters have testified that the city got all it could, and two of them (Messrs. Nawn and Jacobs) have told you that they were asked by the Park Commissioners, through Mr. Shea, to take some of these materials as a free gift and cart them away, but declined to do so on account of the expense attendant upon extracting them from the position where they lay.

I think that I omitted to call attention to the granite at Jamaica Pond. A great deal has been said about that. You will see from Exhibit 127 that the top course of the wall, which is the only part removed, consisted of rough granite, tooled at one corner, but cut on a bevel, with irregular edges, and absolutely valueless for building purposes. It might possibly have been used for foundations; but two contractors, Messrs. Jacobs and Nawn, were applied to by Mr. Shea, inspected the stone, and then declined to take it as a gift.

And yet respectable gentlemen have come to the City Hall and have asked for an investigation, and other respectable gentlemen have written in tones of indignation to the newspapers, about the scandalous waste of public funds at Jamaica

Pond, because these stones were dumped into the pond instead of being sold to contractors! Why did not these gentlemen, before they asked for this investigation or wrote to the papers, go to the Park Department and find out what efforts had been made to dispose of this stone? That is a criticism that might be applied to nearly everything that has been suggested in this investigation; but it applies particularly to this matter about which it was so easy to ascertain all the facts.

The reason may not be fully apparent to the Committee why material for which you have to pay a large sum when you want it does not bring anything when you want to get rid of it. It may have occurred, perhaps, to the Committee that it is something like the buying and selling of horses. When you want to sell a horse you can't get half what you paid for him. But this is not really that case. It is not the case of an unwilling purchaser and an over-anxious seller. The reason why you cannot get as much for certain meterials as they cost is that the value of those materials is not in the things themselves, but in the transportation of them. You see that illustrated when expensive buildings are torn down. Figuring the way that Jeffery and MacCallum do, when a building is taken down, the materials which are obtained in the process of demolition ought to be worth thousands and tens of thousands of dollars to the owner of the building; but every one with any experience in such matters knows that they are not worth anything, but, on the other hand, that you have to pay to have the building taken down.

I come now to the alleged extravagant use of loam which charge is of the same general character as those I have been discussing, but which requires more attention, because it touches on the important question of the use to which loam is put in public plantations. It appears from Exhibit 119 that 269,157 cubic yards of loam were used in 1898 and 1899; and that the loam was spread from one foot to a foot and one-half in depth, except in tree holes and occasional pockets, where it might run from two and one-half to three feet.

Now, two misapprehensions with regard to the use of loam seem to be entertained by the general public and their representatives in City Hall, and have prompted a great many of the inquiries that have been made in this investigation.

The first is that the expense in connection with the use of loam is an annual expense. The large amounts bought in 1898, for instance, have been contrasted with the smaller amounts purchased in prior years, and the inference has been

drawn that the Commissioners of 1898 were peculiarly extravagant. Now, Mr. Chairman, loam is not a current expense at all. It is not properly a part of the maintenance of the parks — using the word "maintenance" in its City Hall sense, that is, as distinguished from construction. Loam is just as much a part of the constructive elements of a park as is the gravel which is hauled in to form the subsoil of the roads which are built, as are the catch basins which are built to carry off the water, or the trees that are planted to form woods. An area properly covered with loam will not require additional loam in subsequent years.

Expenditures for loam are for construction, not for maintenance, and it has always been the practice of the Commissioners, both past and present, to charge them to construction.

The other misapprehension — at least, on the part of some gentlemen — is that loam was not used prior to Mr. Pettigrew's connection with our Park Department. It is in evidence, however, that Mr. Olmsted spread loam in the Fens to the depth of three feet, and he must have obtained that loam from somewhere. He got that particular loam from the water basins on the Sudbury River watershed; and the amount purchased by the Park Department prior to 1896 was 125,000 cubic yards — see pages 1080 to 1082 of the testimony. Besides that amount, 221,000 cubic yards were procured from the parks themselves, by stripping the loam from the surfaces subsequently occupied by roads, walks, etc. That is shown in Exhibit 120. That makes a total of 346,000 cubic yards of loam used by the Commissioners prior to the advent of Mr. Pettigrew, as against 269,157 cubic yards used under his administration.

As to the utility of loam, we have been treated to the singular spectacle of gentlemen of presumed respectability and of apparent intelligence coming to City Hall, qualifying themselves as experts by reason of having run a farm, and then asking you to find, upon their unsupported testimony, that loam is of no value to the growth of trees, and that its use in depths greater than a foot is a waste of public funds.

Let me refer, for authority upon the utility of loam, in the first place to the annual reports of the Park Department, particularly those for 1886, page 21; for 1897–98, page 10; for 1898–99, pages 7 and 10; for 1899–1900, pages 2 and 4. In those reports you will find statements by Mr. Olmsted, statements by Professor Sargent, statements by the Superintendent, statements by the Commissioners, as to the utility of loam and as to the need for a liberal use of it. We have also the testimony of Messrs. Sargent, Pettigrew, Parsons, Fischer, Eichorn — all experts on the subject.

Dr. Barnes and Mr. Jeffery differ with those gentlemen. Dr. Barnes, who has had a wide experience in tree culture as farmer, says that one foot is enough for any tree, and that anything in excess of that indicates waste and fraud. Mr. Jeffery agrees with Dr. Barnes — or perhaps I should say that Dr. Barnes agrees with Mr. Jeffery. I don't know which of them started this singular theory first; but Mr. Jeffery follows it to its logical conclusion a great deal better than our friend Dr. Barnes does. Mr. Jeffery claims that loam is not good for trees, and he pretends to think that the object of the Park Commissioners and their Superintendent in spreading loam in the woods of Franklin Park was "to kill the trees!"

But you need not depend, Mr. Chairman, upon theory in this case; you need not depend on oral or written testimony. In one of the reports to which I have just called your attention, Mr. Olmstead quotes Professor Sargent's account of the manner in which the plantations in the Arboretum were to be constructed — with a liberal use of loam, put in beds twenty-five feet square and three feet or more in depth, for each individual tree. See Report for 1886, page 21. We have, as it happens, in an exhibit in this case ocular demonstration of the result of this use of loam. We have a tree which was planted in the Arboretum, just twenty-one years ago, and which was cut down for the benefit of this committee. A cross section of that tree is Exhibit 101. It shows a growth of ten and one half inches in diameter in twenty-one years. It is a pin oak. We have, in contrast with that, another tree grown on the hill in Franklin park immediately behind Mr. Dole's house — an oak tree of a different species, but of a species which grows relatively as fast as the pin oak — a red oak; and that specimen, while only five and one-half inches in diameter, shows a tree of eighty years of age. That specimen was cut from a place in Franklin park where the soil was particularly poor, and where the trees had been crowded before the slight thinning took place to which Mr. Dole objects.

I ask your particular attention, Mr. Chairman and gentlemen of the Committee, to the contrast between these two exhibits. There is Exhibit 101, a tree grown in the Arboretum in twenty-one years, under favorable conditions as to light and soil; and here in Exhibit 100, is the tree that was grown in that "Eden of beauty," as the witnesses called it, back of Mr. Dole's house, in Franklin park — a tree five and one half inches in diameter and eighty years of age.

Exhibit 117 is a red oak grown in the Arboretum, nearly as old and nearly as large as Exhibit 101.

These specimens, Mr. Chairman, are enough to dispose of the unfounded theories and ridiculous assumptions that are made by these critics of the department, in respect to the manner in which trees are grown. But there is more. Those of you who accompanied us on the view the other day saw in Mr. Sargent's own place the wonderful rapidity of growth and vigor exhibited by trees planted in six feet of loam. You heard the testimony of the former Superintendent of Central park, in which he said trees were planted there in four feet of loam. And there is other evidence upon that subject in this case; but you do not need, Mr. Chairman, to go beyond these three exhibits. They tell the whole story, and show what light and loam will do to help a tree to grow.

There is another advantage in the use of loam to which our attention was called by Professor Sargent; and that is, that it is more economical in the end to use plenty of loam. It costs more in the first instance; but a tree that grows in plenty of soil will thrive. It will not die at the top, and its upper branches will not have to be cut out at great expense in subsequent years. A liberal use of loam can be recommended not only from the standpoint of growing the finest trees, but also from the standpoint of municipal economy.

I will now call your attention to Mr. Pettigrew's administrative methods in the use of loam. I have said all I care to say upon the scientific side of the subject; but Mr. Pettigrew has done something new in the history of the Park Department with respect to the purchase and use of loam. In the first place, he has abandoned the engineering system which previously obtained, of laying out a scientific set of grades and, when you came to a depression, scraping off the top soil, depositing it on one side, then filling in with purchased gravel, and afterwards filling back with the top soil which had been previously removed, and perhaps adding to it for the purpose. That is a system which all of us have seen at work in the parks. It may be a good system where there is a very large and expensive job going on, but for ordinary park grading, such as is now needed in the parks, Mr. Pettigrew's experience led him to believe that it was a waste of money. A different system of grading has accordingly been adopted, which consists in this, that when you come to a pocket that is a foot or two below the general grade of the rest of the ground you are covering with loam you simply continue on with your loam and fill the pocket also. According to Mr. Pettigrew's experience this method is an actual saving of money to the city.

Then he has effected a reduction in price, so that to-day he secures loam for a less price, probably, than any park in

the country, and for much less than it had ever previously been obtained by the City of Boston. The lowest price that had ever been paid before Mr. Pettigrew's arrival was a dollar a yard. That price was paid for loam obtained by contract; and, if you will note the testimony of Mr. Clarke, to which I have already called your attention, you will see that the average price was considerably in excess of a dollar. Mr. Pettigrew has suceeeded, by introducing a new system, in reducing the price to 66⅔ cents. His system consists in abolishing contract purchases and in advertising that anybody with good loam may sell it to the city at 66⅔ cents a cubic yard, if they will bring it to the spot designated by the department. He has found no difficulty in getting all the loam he wants on these terms.

Before passing from this question of loam, I wish to direct your attention to the fact that these expenditures for loam, which have been so much criticised and which may have been one of the main reasons why this investigation was originally begun, were all ratified and approved by the City Council of Boston in the year 1898 — every single one of them, without an exception. The way I prove that is, that on the 30th day of December, 1897, the Park Commissioners sent to the Mayor a revised estimate of the cost of completing the parks. That estimate is found in the evidence, as Exhibit 64, and was published in the City Record of January 6, 1898. It was referred to in the Mayor's inaugural address, delivered in January, 1898, in words of commendation. See page 10 of the official proceedings of the City Council. It was again referred to in a special message of the Mayor dated January 17, 1898, printed on page 82 of the City Council minutes for the year 1898. This last message contained a request to the City Council to pass a loan order of $50,000 for park construction:

"In case the City Council favors the continuance of such work"— referring there to the estimate in question. That appropriation, Mr. Chairman, was passed by a vote of 62 to 1 in the Common Council, and by 12 to 0 in the Board of Aldermen.

I ask your particular attention to this series of events, because it covers and takes out of this case not only every criticism founded upon an alleged extravagant use of loam, but pretty nearly everything else. If you look through the estimate of December 30, 1897, you will find that almost everything that has been criticised in this investigation, so far as the administrative work of the department goes, is set forth in full detail. The sequence of events was this: The Com-

missioners got up a revised estimate of the cost of completing the parks. They put into it everything, with the greatest detail, that they thought ought to be done, including, as I have said, pretty nearly everything that has been criticised in this investigation. They sent it to the Mayor. The Mayor caused it to be printed in the City Record, the official publication for such purposes. He referred to it in his annual address in January, 1898, and during the same month, about two weeks later, sent in a special message, again calling the attention of the City Council to the estimate and telling them that, if they approved it and favored the continuance of the park work as outlined in it, they should make a special appropriation by loan of $50,000, in advance of authority from the Legislature to borrow a million dollars. The City Council thereupon voted a loan of $50,000, as he suggested, with but one dissenting voice out of eighty-seven.

Mr. Chairman, I hope that every member of this committee will read that estimate through with care. It is Exhibit 64. I will say nothing more about it at this point, except to call attention to the loam that it calls for. It calls for loam at Wood Island Park, at Marine Park, at Franklin Park, at the Fens, on the Riverway, at Jamaica Park, and throughout the park system. It calls for an expenditure of $274,000 for loam; and yet, Mr. Chairman, the total expenditures for loam made by the Park Commissioners, with the implied sanction of the City Council, under the circumstances that I have just indicated, from that date to the present time, amount in the aggregate to only $185,420. So far, therefore, as the Commissioners have purchased loam during the past three years, they have acted with the sanction of the City Council, and within the expenditure thus authorized by $90,000.

I have gone into the revised estimates of December 30, 1897, with some care, because they apply, as I have said, not only to the purchase of loam, but to nearly everything else the department has done which has been the subject of criticism in this investigation. I shall have occasion to refer to them again as I proceed.

There has been something said about alleged negligent methods in paying for loam. I don't think it is necessary to say anything about that, except to ask you to reflect on the impression produced upon you by the persons who claimed that there was negligence in the purchase of loam, and by the persons who denied it, Messrs. Pettigrew and Shea. I would also direct your attention to the fact that, in the case where there was the greatest vehemence of assertion respecting negligence in the methods of payment — namely, in the

case of loam purchased for Marine Park — this committee, very properly, in my judgment, employed an expert, a surveyor of its own, who went to the spot, dug 1,100 holes, and found a maximum depth of two feet, a minimum depth of five inches, and an average depth of fourteen and one-half inches. Those figures indicated the presence at the time the survey was made, of 13,941 cubic yards of loam; and if, as Mr. Foster, the surveyor, thought, an allowance of 25% should be made for shrinkage, you would have, as a simple calculation in arithmetic or algebra will show, 18,588 yards originally placed there, exclusive of the quantities washed into the ponds and the amount carried away in the November gale of 1898. That is a little too much. There were not 18,588 yards originally placed there, but somewhat less — not much less, but somewhat less. The explanation is, of course, that Mr. Foster's estimate of 25% for probable shrinkage was, as he stated, an estimate merely, not based on anything but his own opinion. Furthermore, an average error of one inch in the measurements would make a total difference of over 1,200 yards.

The investigation of the Marine Park loan matter by this Committee, conducted with expedition and diligence, forms a conspicuous tribute to the efficient work of the department, as well as to the desire of the committee to get at the facts, and furnishes a fair sample of how Mr. Pettigrew has looked out for the financial interests of the city. No higher commendation, no higher certificate of efficiency, could possibly be asked for by any executive officer of any city, than was furnished by the result of your examination into the purchase of loam at Marine Park in 1898.

We come now to the alleged attempts to defraud the city. Rumors of these were, I suppose, the real cause of this investigation. It is in evidence that vigorous efforts were made by Mr. Jeffery and others in search of fraud. They spent their time for months in interviewing everybody in the Park Department, or who had ever been connected with it, for evidence against their superiors. Their principal search was for fraud; because, as one of the witnesses said, Jeffery said that if he could prove that Mr. Pettigrew had taken a five-dollar bill, he (Jeffery) would get Mr. Pettigrew's job; and when he got it, the person with whom he was talking, and everybody else, would be properly taken care of. I fancy he would have been. Everybody and everything would have been taken care of but the parks.

But, after all these amateur detectives had been at work for months in search of fraud and evidences of fraud, what

did they discover? They did not themselves discover anything, but they rediscovered something which Mr. Shea had found out two years ago, had reported to Mr. Pettigrew, and which Mr. Pettigrew had corrected. They discovered an attempt to defraud the city, thwarted before its execution through the vigilance of Messrs. Pettigrew and Shea, and which resulted in the loss of not a dollar to the city treasury. And that is all that this talk about fraud and all this hunt for evidence of it amounted to. Here you have a great department, one of the largest in the city government, with a purchasing agent who buys, without counting loam, gravel and material of that sort, supplies amounting to from $35,000 to $45,000 a year; spending half a million a year for materials, contracts and labor; with total expenditures for the four years covered by this investigation of $3,317,793.41; and, notwithstanding all the efforts to discover something, even as small a sum as a five-dollar bill, that was stolen from the city of Boston, the evidence is that not one cent of that vast sum was stolen or fraudulently misspent. What greater tribute, Mr. Chairman, could you have, not only to the honesty of the responsible employees of the Park Department of the city of Boston, but to their vigilance and efficiency as well? Not one dollar was lost, according to the evidence, by fraud — not one dollar out of three and one-half millions. Only one attempt was made to cheat the city, and that attempt was thwarted.

It is unnecessary for me to discuss that particular attempt. I should not insult the intelligence of the committee or occupy their time by discussing the evidence relating to the young man Kelly, for the purpose of convincing you that there was nothing in his testimony. He practically admitted that himself. But you must remember, gentlemen, that the evidence in this case is to be perpetuated in print; and I have, therefore, reluctantly come to the conclusion that, in justice to Mr. Pettigrew, who is the person principally concerned, I ought, in making the closing argument in this case, to comment, for the sake of the record, upon the testimony of William P. Kelly.

Kelly was a young man who, before he came into the department, had spent a considerable part of his minority in jail. That fact was not known to anybody in the department, but according to his own testimony he had spent a year and one-half of his life in State Prison, for obtaining money under false pretences. He then, according to his own account, spent the better part of a year in the Park Department, trying to cheat the city of Boston in collusion

with contractors; and after he had left the Park Department — or "resigned," as he called it, — he spent another six months' term in jail for larceny. That is his own account of his career; and there can be no question that he did attempt to defraud the city. He practically admitted it to Mr. Shea two years ago, when it was discovered, and he corroborated that admission on the witness stand.

The fraud, as I have said, was unsuccessful. He wrote up a lot of stubs, purporting to represent deliveries of gravel and other material by one McShane. His purpose evidently was to use those stubs and the receipts which they represented in collusion with McShane, for the purpose of defrauding the city.

Whether or not McShane was a party to the fraud, I do not know. I want to leave Mr. McShane to your judgment upon the evidence in this case, without comment of my own. I have felt that it is a little hard upon a man to be dragged into a case like this and attacked by both sides, without counsel of his own to defend him; and the committee will recollect that, for this reason, I refrained from pressing the accusations against McShane. Kelly was the only person whom we were concerned with. Whether the fraud attempted by Kelly was participated in by McShane, I think is left in doubt by the evidence in this case, and I shall leave the matter there.

So far, however, as the city of Boston is concerned, the bill that McShane might have sent in, founded upon Kelly's fraudulent receipts, for $1,586.34, was cut down by Messrs. Pettigrew and Shea to $933. In other words, forty per cent. was discounted for the attempted fraud, and the city lost nothing by it. Those figures you will find on page 744 of the evidence and in Exhibit 55.

I have already indicated to you how Kelly really came into the case. He was discovered by Jeffery. But what was his own story of how he happened to be called upon? Listen to this disingenuous account of the way in which the principal witness, the one whom the newspapers have called the "star witness" in this case, came to be connected with it. I asked him how he got here. "Oh," he said, "I happened to be in City Hall, taking a walk around, and somebody thrust a summons into my hand." That was his story. The real story was disclosed by Mr. Hannan on page 1303. Jeffery had hunted him up, and was telling every body in the department that he had found him.

The next lie that Kelly told — I am speaking only of the lies of which he can be clearly convicted — was his denial that

he tried to find Mr. Pettigrew. He said that he never tried to reach Mr. Pettigrew immediately prior to the first hearing, over the telephone; but if you will look at Exhibit 22 you will see that he did try, according to the evidence, to connect with Mr. Pettigrew by telephone at the Park Department office on the 14th day of March, this year.

Kelly not only tried to connect with Mr. Pettigrew — and fortunately failed, because Heaven only knows what he would have said if Mr. Pettigrew had connected with him; — but he tried to connect with Mr. Albert H. Eichorn's brother, Eugene H. Eichorn, and succeeded. He gives a very interesting account of his conversation with Mr. Eugene H. Eichorn, and tries to make out that Mr. Eichorn sent for him. Suspecting that he was in search of Mr. Eichorn, as he had been in search of Mr. Pettigrew and of Mr. Shea, I asked him how Mr. Eichorn had communicated with him; and then he told, if you remember, a very glib and circumstantial story about receiving a certain postal card from Mr. Eichorn at his house in Roxbury, at quarter past nine in the morning, while he was standing in front of his house upon the sidewalk, awaiting the postman's approach. He went into this story with the greatest detail. Eichorn denied that he ever sent him a postal or any communication. And then what happened? Why, we summoned the postman, the only carrier who had been on that route for months, who was there that morning, who knew Kelly; and he testified only three days later that he not only had not delivered a postal card to Kelly on the day in question, but that he had not delivered any mail at that house that day or at any time within a reasonable distance of it.

The next thing that Kelly did, to which I want to call your attention, was his laborious attempt to make it out that certain bills which had passed between Mr. Eichorn and his sub-contractors were evidence of some fraud attempted or worked upon the city of Boston. I remember that the Chairman asked what those bills had to do with the case. I could not understand myself, but it was plain that they were put in because Kelly was expected to be able to show some connection between them and some attempt to defraud the city of Boston.

They were simply bills made out to Eichorn by the persons of whom he had bought loam, for the purpose of fulfilling his contract with the city, and all that Kelly's story amounted to, if it had been true, was that he, at the request of these sub-contractors, wrote the bills out for them, signing nobody's name, of course, but simply making out the bills. That, Mr.

Chairman, was a perfectly innocent, perfectly proper and quite ordinary transaction. But Kelly thought he could make something out of it, and so he picked out five of these bills — which you will remember were produced voluntarily by Mr. Eichorn, who offered us all his books, checks and papers of every kind — as being in his handwriting and as constituting, according to his story, evidence of some fraud attempted on the city of Boston. The bills which he identified were Exhibits 2, 3, 4, 5, and 6, and his testimony on direct examination about them will be found on pages 299 to 304.

Then, Mr. Chairman, in five minutes of cross-examination, that young man admitted that three of these exhibits were not in his handwriting at all, was doubtful about the other two, and finally said that there was nothing wrong about them any way. See pages 306 to 309.

I can put it another way: On page 299, he testified that Exhibit 2 was in his handwriting; on page 308, he said it was not. On page 300, he said that Exhibit 3 was in his handwriting; but by the time he had got to page 306 he knew it was not. He testified on page 302 that Exhibit 4 was in his handwriting; but, after worrying over the matter for some time on cross-examination, he said five pages later, on page 307, that he was confident that it was not.

We have something, however, in the way of documentary evidence furnished by this witness Kelly, very much worse than the innocent bills I have just referred to. In the McShane matter it appeared that there were a large number of stubs, representing in the aggregate over $1,500 of material, and those stubs were admittedly far in excess of the amount of material that McShane had actually delivered. They were also, apparently, every one of them, with a few exceptions, in the handwriting of Kelly. We produced no experts to prove that; because, in my judgment, in a plain handwriting case like that, experts do more to confuse than they do to illumine. Members of this committee are just as competent to judge whether those stubs were in William P. Kelly's handwriting as any expert in Boston. It is perfectly obvious that they were in his handwriting. Otherwise, you have got to assume that some person unknown, with some motive that no human being can suggest, went to work and forged Kelly's handwriting.

Now, what did Kelly do with those stubs? He worked over them at a little table that was placed at your right, Mr. Chairman, for an hour or an hour and a half, and then he took the witness stand. He picked up Book No. 239, Exhibit 24, and

selected five stubs — Nos. 17, 18, 19, 20 and 21 — as not being in his handwriting. You will find that evidence of his on pages 709 to 711. He intended, I think, to leave the impression that the rest of the stubs were in his handwriting, but that is not entirely clear. What is clear is that he wanted you to understand that those five, which he swore at that time on direct examination were not in his handwriting, were forgeries by somebody, using his name for some purpose which he does not and cannot explain, but which he wants you to assume was in some occult manner to result to the prejudice of the city of Boston.

Well, what kind of a story did he tell on cross-examination, thirty minutes later? He had forgotten all about those stubs. He did not remember which stubs he had identified before, and he could not identify the same ones twice. On page 753 he says that Nos. 1, 2, 3, 17, 22, and 32 to 100, were not in his handwriting, but that all the rest were. The point is carried home to him; he repeats it; and thus flatly contradicts himself in regard to four of the stubs — Nos. 18, 19, 20 and 21.

Then he goes on to say that books numbered 184, 217 and 245 contained a lot of stubs, none of which were signed by him; but it was apparent to everybody who looked at them that they were all signed by him.

Finally, we have the five cents story, which was the main burden of his evidence, — a story which Mr. Jeffery had either unearthed from him or induced him to tell upon the witness stand. It is improbable, on the face of it. It is ridiculous to suppose that corrupt proposals would take place in a shanty ten feet square, in the presence of a third party. This story also differed, as did his stories throughout the case, when told on direct examination and when told on cross-examination. But Kelly not only contradicted himself upon this particular occasion, but exploded his own story on cross-examination, in a way which I have seldom before seen equaled in a court of law. His story, you will remember, was this: That Mr. McShane was to get from the city forty-five cents a load and that Mr. Pettigrew was to get from Mr. McShane five cents, leaving the net price retained by McShane at forty cents. He is very sure of these figures, and repeats them over and over again. It turned out, however, as you doubtless remember, and as you can see by looking at Exhibits 54, 115 and 116, that the price that McShane really got from the city was not forty-five cents, but forty cents. Therefore, if there had been this conversation about a five-cent discount, all it would have meant was that Mr.

Pettigrew was getting the discount for the benefit of the city. But the story itself was false. It is perfectly evident from the letters of Coburn and King, which were put into this case, Exhibits 115 and 116, and from Mr. Pettigrew's letter to the Park Commissioners, Exhibit 54, that a price of forty-five cents a load was never talked of. The price was to be forty cents.

Now, how did Kelly allow himself to be caught in this way? How did he come to tell a story which was capable of exposure on the spot? I will tell you why — or, at least, I will give you my theory of it. You will remember that he was here nearly all that afternoon, while McShane was giving his testimony; and McShane made a mistake. McShane said that forty-five cents per load was the price that he got from the city. The correspondence and the contract show that the price was forty cents. It was a not unnatural mistake, one that any man might make after such a lapse of time. Kelly took the witness stand immediately afterwards and testified, as McShane did, that the price was forty-five cents a load, of which McShane was, according to Kelly, to receive only forty cents. It occurred to me, as it may have occurred to you, that Kelly, sitting by and hearing McShane, had simply taken the figure that McShane had named. When I asked him if he meant to have the committee understand that it was forty-five cents from the city to McShane and five cents from McShane to Pettigrew, leaving forty cents for McShane, he said that that was exactly as he understood it. Asked if he could by any possibility tell a different story that evening, or the next day, or on any subsequent occasion, he was confident that he would not. And yet all along the city had been paying forty cents only; and if there had been any talk about a five-cent rebate from forty-five cents, a rebate for the benefit of the city must have been contemplated. It was a trap and Kelly fell into it.

I have already referred to his disingenuous explanation of his exit from the department. He was practically discharged at the time when Mr. Shea detected him in an attempt to defraud the city. He was given two days to furnish proof of his innocence, which he knew that he could not do, and therefore he left. His story, however, told with his usual glibness, was that he was "tired of working" and "thought he would take a few days' rest;" and that he was not discharged, but "resigned," by reason of not being "satisfied with the management of the department"!

Mr. Chairman, that is enough of this miserable witness. It was not necessary for me to refer to his testimony in detail to convince you that it was false. You would, of

course, have found for Mr. Pettigrew upon that issue, if there had been no evidence in the case but Mr. Kelly's and Mr. Pettigrew's, after you had an opportunity of seeing both men upon the witness stand. But let me suggest this thought for your consideration, gentlemen. Suppose somebody in after years should say, "Oh, well, that was the verdict of a committee of the Board of Aldermen — the verdict of a political tribunal. Let us look at the evidence. It is all printed as a public document — let us get it." They look the evidence up, they read it, and they find simply that A says that B stole money, or tried to steal it, and that B denies it. That is all they find. Do you think that would be a pleasant situation for Mr. Pettigrew to have been left in, notwithstanding the verdict that would undoubtedly have been rendered by this committee exonerating him? This suggestion illustrates the danger of investigations of this character. It would not happen once in a thousand times that a witness like Kelly could have been exposed on the spot in five minutes of cross-examination. When a man hardens his heart to commit the crime of perjury he generally fortifies himself in advance by considering what he is going to say, and by anticipating the questions that may be asked him by the other side. It is evident that this young man did neither; and to the credit of counsel for the committee, it is plain that Kelly had not been coached. He came here, not only a liar and a perjurer, but a fool as well; and he laid himself open to instant exposure.

So much for the charges against the department in so far as its administrative work or business methods are concerned; but before passing on to the other issues in the case, let me dwell for a moment on the evidence showing affirmatively diligence, competency, attention and care on the part of the Commissioners and their employees.

The main work of the Board for the past three or four years will be found set forth in the annual report for 1897–98, page 1, as covering the details involved in finishing the main park system. It is evident, as is always the case with unpaid boards, that the burden of it must fall principally upon the Chairman. The burden of all routine and detail work falls principally upon him. You know the amount of time spent by Mr. Stratton in the work of the department; you know the fact that he maintains at his own expense a private office on Devonshire street, which is open to everybody who wishes to see him on business connected with the department. You remember his attention to all matters of correspondence; you remember the 2,856 letters received and

the 2,650 sent out, signed by him. Not an instance has been cited of an unanswered letter. The only case suggested was that of Mr. Bolles, and it appears that Mr. Bolles' several communications to the Board on one matter were not answered by the Chairman, because Mr. Bolles, with others, was represented by counsel, and the answer was sent to counsel, as is customary and proper. You must have been impressed by the punctilious courtesy with which the epistolary duties of the Board have been performed by its Chairman. I do not believe there is any other person who ever held an office in City Hall of whom such a record as this could be exhibited.

Coming to the members of the Board as a whole, it appears that they have held, in the last four years, 269 meetings, and have given 271 hearings to the public. They have held other meetings in the parks, once a week on the average. An order of business is prepared for each meeting, a sample of which is found in Exhibit 78. The records of each meeting are kept, and samples of them will be found in Exhibits 76 and 77. The number of different subjects considered, deliberated upon and passed upon at the several meetings during the past four years, is 3,200, as appears by Exhibit 75 — an average of twelve per meeting. They receive weekly reports from the Superintendent, samples of which you will find in Exhibits 79 and 80. Three hundred and twenty matters have been specifically referred by them to the Superintendent for his examination and written report, as shown in Exhibit 81. A sample reference memorandum is to be seen in Exhibit 102. The Superintendent himself has been equally diligent, and special reports have been submitted by him on 245 different subjects. See Exhibit 82. Many other occasional reports are solicited by the Board and made by the Superintendent; and samples of these will be found in Exhibits 83, 118, 119 and 128. In all, as near as I can figure it out, probably six hundred written reports have been made by the Superintendent to the Commissioners during his three years of service.

It is evident, Mr. Chairman, that the office of Park Commissioner of the city of Boston is no sinecure.

The books of the department were examined by an expert, appointed by the committee, and found to be correct.

Various administrative changes have been made during the past three years. A superintendent has been appointed — not an engineer, because the engineering work was over, but a man familiar with landscape work, with nursery work, with the construction and care of plantations, with gardening, and,

above all, with park management; — the most competent person, according to all the evidence in this case, who was to be found engaged in that occupation in the entire country. He had been a park superintendent at Chicago, Milwaukee and Brooklyn. A gardener by vocation, he had spent twelve years in learning his business, in the employment of private estates and commercial nurseries. He had spent five years as a florist, and had given eight years of his life to park work.

I will pass over the details of his experience with one single word. Allegations were made, by insinuation, that his connection with Lincoln Park in Chicago had been severed for reasons not wholly creditable to him. That insinuation, Mr. Chairman, is another instance of the harm — the incalculable and irremediable harm — that may be done by investigations such as this, conducted without the safeguards that are thrown about the giving of evidence in a court of law. The insinuation was first made in a question, and then it appeared that somebody two or three years ago had told Mr. Stratton that he ought to look into the matter; and in that way it was sought to take away a man's character for good. That thing would not have been tolerated in a court of law. You cannot give evidence by insinuation. I do not blame this committee, because, as I have said before, and am ready to say again, on the whole I think this committee has held very strictly to the rules of evidence. But the way that charge slipped in, by insinuation in the form of a question, is another illustration of the evils attending these investigations, which the most careful and fair-minded committee cannot possibly avoid.

And what was there in it? Absolutely nothing. This charge, couched only in the language of insinuation, was made out of whole cloth. I will refer only to Exhibit 113, which contains ex-Governor Altgeld's letter completely exonerating Mr. Pettigrew. But suppose ex-Governor Altgeld had been dead, where would Mr. Pettigrew be? Or suppose ex-Governor Altgeld, who had had some differences with Mr. Pettigrew in Chicago, had not been an honorable man and had not been willing to do the right thing, how do you think this record would stand with reference to these unfounded insinuations? But, fortunately, ex-Governor Altgeld was alive and willing to do the square and honorable thing.

Another administrative change was made in the position of landscape architect. Here, again, a salaried architect was unnecessary, because, as in the case of the engineers, the work for such a man had largely terminated. Of course the

department could not get along without the services of a professional firm of architects during the period of construction. It cannot now, so far as construction is going on; and accordingly the firm of Olmsted & Olmsted is still employed by the department for the laying out of the new playgrounds that have recently been bought, and undoubtedly will be employed when the department comes to take up the construction of the West Roxbury Parkway. But for the main park system the necessity for landscape architects, as for engineers, had passed away. Mr. Olmsted, the creator in a sense of our parks, was in failing health and had substantially retired from the practice of his profession. For these reasons, and because the Board was fortunate in securing the gratuitous assistance of Professor Sargent, it was decided to get along with such advice in landscape matters as he was only too willing to furnish from time to time, and with such assistance as Mr. Pettigrew, who had been Landscape Architect of the Brooklyn parks, as well as Superintendent, was well qualified to give.

There has been an attempt made, also by insinuation, in the form of unanswered questions or in the form of questions answered by persons who said they did not know anything about the matter, to discredit Mr. Sargent's experience and his qualifications in this regard. But the evidence shows his experience as an adviser of landscape architects, and in the laying out and management of parks, in New York city, in Wilmington, in the town of Brookline — where he has also been a Park Commissioner foı many years,— in the city of Chicago, where he was consulted by Mr. Olmsted in the last great work that Mr. Olmsted had in charge, the laying out of the World's Fair grounds, and, finally, in the city of Boston. You will not find these facts in Mr. Sargent's own testimony, because he modestly refrained from describing himself as other than a simple "student of trees;" but you will find them scattered through the evidence of other witnesses. No more competent landscape adviser could possibly have been secured for a park system in the stage of completion which the Boston parks now present; and his knowledge, both theoretical and practical, of the care and culture of trees is probably unequalled in this country if not in the world.

Let us see what has been accomplished by these Commissioners in the line of economy. They have reduced office and engineering expenses from $36,753 to $24,602; a reduction of 33 per cent. See Exhibit 62.

I have already referred to the successful attempt, made with the approbation of the City Council, to reduce the cost of completing the parks. See Exhibit 64.

Other economies might also be noted. The change in the mode of grading has been already referred to; as has also the reduction in the cost of loam.

Let me call your special attention to the cost of the boundary walls. Some of the witnesses seem to have thought when this investigation was young that the boundary walls were not only unnecessary, but unnecessarily expensive. We have not, however, heard much of that allegation lately, and I will tell you why. It seems that the estimates made by the department under date of December 30, 1897, Exhibit 64, contained the following items for the cost of boundary walls: Jamaica Park, $11,200; Arboretum, $5,500; Franklin Park, $57,400; Dorchester Park, $6,000 — making a total of $80,100; and those estimates, including those items, were as you remember, approved by the Mayor and City Council of 1898.

Now, what did the actual cost of this work amount to, as shown by Exhibit 65? $10,636.73 for the Jamaica Park walls; $13,254.04 for the walls about the Arboretum; $54,240.28 for the Franklin Park walls; and $3,412 for those around Dorchester Park — a total of $81,543.05, within $1,400 or 2 per cent. of the detailed estimates submitted by the Commissioners and ratified by the City Council. That is the reason why all allegations about the excessive cost of these boundary walls dropped out of this case in its early stages.

Everywhere in this case, Mr. Chairman, you can find evidences of an intention that the parks shall not only be built as cheaply as possible, but that they shall be maintained as economically as possible.

I have already reerred to the relatively small amounts paid by the Commissioners in the settlements for playground lands. I wish now to call your attention to the success which the Commissioners have met with generally in their settlements for land. This is work which falls primarily upon the Commissioners themselves, and it is perhaps the most difficult work they have to perform. It is work in the performance of which they are most likely to incur the brunt of public criticism.

Let us see what Exhibit 68, corrected by Exhibit 90, shows. In the early days of the park work, from 1877 to 1884, when values were still upon an inflation basis and when there was an annual reduction in the total assessed

value of real estate in Boston, the Commissioners paid only eighteen and two-thirds per cent. above the assessed value. In the period of five years from 1884 to 1890, after the city had recovered from the shrinkage in nominal values caused by the resumption of specie payments, the excess paid over assessed values amounted to 66⅔ per cent. In the period from 1890 to 1894 the excess was 68.53 per cent. Then came the intermediate year, 1895, which I will not call attention to, because the figures for it are for some reason — doubtless accidental — high, and because it is unfair to pick out a single year.

Then comes the period in question — the last four years. The amount paid in excess of assessed values for that period is 48.94 per cent. That is, these Commissioners, as shown by the excess paid by them over assessed values for land taken, have done very much better than any of their predecessors since the inflation days. What better testimony, Mr. Chairman, can you have than that?

Of course, it is easy to say that assessments have increased. There is no evidence of it, however, and I do not believe it. The probability is that, year in and year out, the assessors' valuations bear a fairly constant relation to real values. The assessors have no right to run values up arbitrarily upon any general system, and they probably do not try to do so. Although my clients, Mr. Chairman, would be the first to acknowledge that there might be special or accidental reasons why their own period of administration should show a relatively small excess over assessed values, I, as counsel for them, may be permitted to suggest that you cannot get a better test of the vigilance and activity of public officers in defending the financial interests of the city than a comparison like this. The figures that I have quoted for the last four years I beg you to note, do not take into account any transaction between the Park Department as a purchaser and the City of Boston itself as a seller. It appears that only three of these cases in the last four years were tried in court. The reason why is apparent; when we find that in those three cases the city paid 196.73 per cent. in excess of the assessed values. It appears also that the settlements effected by the Commissioners themselves averaged only 35.70 per cent. in excess of the assessed values; while the settlements brought about by the Commissioners, in conjunction with the Law Department, averaged 150.12 per cent. over the assessed values. That, of course, is nothing on which to base a criticism of the Law Department, for everybody knows that that is one of the best managed departments in the city. The

City Solicitor, who has special charge of the land damage cases, has acquired a reputation for the successful defence of such cases second to that of no one in the Commonwealth. These figures simply mean that only the hard cases go to the Law Department.

Now, Mr. Chairman, when people criticise these gentlemen for inattention to their duties — a matter about which we heard a great deal during the first hearing in this case, but concerning which we have heard very little since — are they not justified in pointing to the record of their settlements for land, as well as to all the other evidences of industry to which I have had the honor to call your attention?

One subject more before I pass from the executive work of the department. This branch of the case relates to the employment of labor, a very important part of the work of the Park Commissioners. There have been some changes in reference to the employment of labor introduced since Mr. Pettigrew arrived. There has been less contract work, and more work done by day labor. The figures are shown in Exhibit 67. Contrasting, for instance, this year with the year 1894, which was a year of heavy construction, we find that the percentage of construction money expended for labor was 32 per cent. in 1894, and that it had risen in 1899 to 54 per cent. We find that the number of laborers, as shown by Exhibit 66, has been increased in the last year or two by at least 100. The reasons for this preference for day labor over contract work were fully explained by Mr. Pettigrew, and I will not detail it here. It suffices to say that the present work of the department is of that sort which, in his judgment, can be best and most economically done by day labor.

A great many questions have been asked concerning Civil Service, its methods, and the possibilities for violating its rules. Questions like these have been asked: "What is Civil Service? What do you know about Civil Service? Do you think that Civil Service rules ought to be violated"? And similar academic questions. I have taken some pains, Mr. Chairman, in view of that line of questioning — and here, again, all the evidence consists in unanswered questions — I have taken some pains to collect some statistics, which have been put into the case, showing just how this Department selects its employees. You will find that information in Exhibits 106, 107, 108 and 109. I will call your particular attention to Exhibit 108, which shows the uniform fairness with which the Commissioners and their Superintendent select men sent down by the Civil Service Board, having regard to the residence of the men whose names are sent down. I will

also refer to Exhibit 109, which shows the impartiality exhibited by the Commissioners, or by the Superintendent, in reference to the selection of men when the time for suspension comes around in the winter.

We have the team lottery system, also. A good deal has been said about that. The present Commissioners did not institute it. It was inaugurated in 1890, when the present Mayor was also Mayor. Its object was to do away with favoritism in the Department. Few complaints have been received of the system; and none of them were well founded, in the opinion of Mr. Pettigrew and Mr. Shea, who examined them. You heard Mr. Pettigrew's testimony that, while the system could not be called an ideal one, it was a good, practical working system for the department. It is in the line of Civil Service. Anything else would be a return to Spoils.

I will close this part of my argument Mr. Chairman by referring to the annual reports of the Department. There is no other city in this country, there is none in the world that I am acquainted with, which publishes so many documents for the information of the public as the City of Boston; and there is no department of our City Government which publishes better and more comprehensive annual reports than the Park Department. If people would read these reports before writing to the papers or before instigating public investigations, the newspapers would not contain so much criticism of the Department, and there would have been no demand for this investigation.

There remain to be considered, Mr. Chairman, the charges against the Commissioners, their advisers and subordinates, that relate to the scenery of the parks. What I have said so far relates to the charges against the Commissioners, founded upon alleged violations of sound principles in the administration of the business of the department. These charges have all been shown to be either unfounded in fact or trivial in importance; but the criticism that remains, while equally unfounded, is by no means unimportant, and relates to a matter which is of the greatest consequence to the people of this city. This committee can, in the opinion of the Commissioners, perform a great public service by an intelligent and careful decision as to whether the general theory of landscape work followed out by the Commissioners and their predecessors in office, under the advice of Messrs. Olmsted and Sargent, has been wise or not, and as to what policy should be pursued in the future in this regard.

It is said, in the first place, that there have been many changes in Mr. Olmsted's work.

This charge seems to be based upon an entire misapprehension of the facts.

There have been just five changes in Mr. Olmsted's completed work. These are (1) in the fish ponds and connecting streams and walks in Leverett Park; (2) in the wall at Jamaica Pond; (3) in the parapet at the Funeral bridge; (4) in the valley gates; and (5) in the wall on Glen road. Only five in all! And yet witnesses came here loaded with denunciation of the Commissioners for making unjustifiable and revolutionary changes in Mr. Olmsted's work. When they were obliged on cross-examinations to specify the places where and the times when the changes were made, we found that only five had been effected by these Commissioners, and that most of them were trivial alterations or improvements.

Let us see what the reasons for these changes were.

At Leverett Park several small ponds were filled up and walks abolished. Anyone would suppose, Mr. Chairman, from the oral evidence in this case, that those ponds and walks were part of Mr. Olmsted's original plans. But they were not. Mr. Olmsted is not responsible for them. They were not a part of his original plan for the development of Leverett Park. You can see that by referring to the plans submitted by him in the annual reports of the department for the years 1880, 1881 and 1886, none of which show any pools or walks such as were subsequently built in that park. These ponds were introduced — as any of the critics of the Department might have found out, if they had taken the trouble to ask the Commissioners or to search the annual reports — at the instance and for the benefit of the Natural History Society in order to enable it to maintain a fresh water aquarium. You will find the whole matter set forth in detail in the report for 1887, on pp. 33 to 44. It was not until 1889 that Mr. Olmsted prepared the plan contained in the report for that year, showing these pools and walks. You will find the subject also referred to in the report for 1897–98, page 14, and in the report for 1899–1900, page 9.

Now, after these ponds or pools were built and these walks constructed, unfortunately, and much to the surprise of the city officials who had been responsible for the work — of whom I was one myself — the Natural History people gave the whole plan up. They had been unable to raise the money, and the whole scheme had to be abandoned. Thereupon the ponds became absolutely meaningless. There were ten little

pools to be used as fresh water aquaria for fish, but there were no fish in them, and there was no money to procure fish, or to keep the fish alive, if anybody furnished them. And yet there they were? Ten pools, eight feet deep, with steep banks, dangerous to the women and children for whom the parks of Boston were largely intended, and serving literally no useful human purpose. No wonder that the Olmsteds in the annual report for 1894–95, at page 74, speak of these pools and paths as a "by no means self-explanatory arrangement."

But that was not all. The pools on the north side of the hill were filled with water; but the three pools on the other side of the hill, between it and Jamaica Pond, were dry during most of the year. There had been some change in the water levels, which had rendered it impossible to maintain water in these pools. The same statement applies to the outlet stream of Ward's Pond, which was intended to feed these pools. It was a very pretty stream; it had a very ingeniously constructed cascade, built of rustic rockwork; and there was a nice walk over this cascade, in the form of a bridge. It was a very nice stream, Mr. Chairman; but it had no water in it. It was a great success as a stone and gravel channel; but as a water course it was a failure. Exhibit 126, a photograph, shows what a blot on the landscape this stream was when, as was generally the case, it was without water. You can readily understand that many persons agreed with Mr. Winslow, who came here to criticise the Commissioners for building these pools, that they were "unsightly puddles," and should be filled up.

If you can charge anybody with responsibility for this failure of water, it would be the engineers, who, perhaps, ought to have known more about the water levels; but, it is difficult to hold the Commissioners of 1894 who built the pools or Mr. Olmsted who designed them responsible; and more difficult still to find fault with the present Commissioners for having corrected the mistake.

The condition of this part of Leverett Park in 1898 was, therefore, that there were ten pools, intended solely for fish, with no water in three of them, and no fish in any of them; and there was a stream, intended to spill over a cascade, which was dry for nine months in the year. And yet people have come to this hearing and have complained of the Commissioners for undoing the "artistic" and "natural" work of Mr. Olmsted in forming these ponds, cascade and bridge! People, very likely these same critics, thought differently when the pools were built. I have already referred to public

opinion on this subject as voiced by Mr. Winslow. For further evidence I might quote from the columns of the Daily Transcript in 1893 or 1894, where you will find article after article, written in the usual violent language of objectors to park work, concerning the artificial features which were being introduced into Leverett Park — and the removal of which is now denounced as an unwarranted interference with Mr. Olmsted's plans. The cascade and bridge, so favorably spoken of by some of the witnesses in this case, was then referred to as "a stiff, artificial cascade, under a heavy stone bridge that would carry a freight train."

As I have said, not only were these features objected to by the public at the time, but they ceased to have any utility or meaning, because of the abandonment of the scheme of the Natural History Society for fresh water aquaria, and because of the unexpected deficiency of water. What was there to do with them? Nothing, of course, but to fill them up; and this has been done.

Then we have an equally unreasonable lament over the destruction of an expensive wall said to have been built by Mr. Olmsted for the beautification of Jamaica Pond. Now, what are the facts about that wall and Mr. Olmsted's connection with it? Do you know what he called it himself? Did he dignify it as a thing of beauty? Did he pride himself upon the appearance of that wall? He, or rather his partner, Mr. Eliot, called it a "disagreeable engineering necessity, to be concealed as much as possible." You will find that statement in a letter to the Park Department, under date of June 6, 1895, Exhibit 131. Then if you will look in the annual report for 1894–95, you will see on page 74 that the intention of the Olmsteds was that the wall should rise only eighteen inches above the water. This wall was not built to beautify the pond. It was put there because, in Mr. Olmsted's opinion, based upon his experience with park work elsewhere, it was necessary to have border walks around the pond to accommodate the great crowds of people who would come there, and because he thought the pond at that place was too deep for an ordinary gravel beach and walk. Consequently, a stone wall or slope was built.

When this wall was built it was objected to by everybody in the neighborhood. If you will refer to the daily papers of the period, you will find that it was denounced as a "dreadful, glaring bulwark of Quincy granite, a dam, fit to be spelled with an 'n,' big and strong enough to hold the ocean." Strong language was also used in referring to the "stupid artificial walk," which was said to "completely obliterate the natural beauty of the pond."

But that was not the end of it. That was what people thought when the wall was first constructed; but after it had been there a year or two and it was found that the water-level, changing there as well as at Ward's Pond, was generally five to eight feet below the upper edge of the wall, instead of one foot and one-half, as originally intended, public opposition to the wall intensified, and everybody in the community who saw the pond wanted something done with the wall. This opinion was also shared by the landscape architects, as appears from the instructions of the Olmsteds to Mr. Pettigrew, under date of February 24, 1897, that "every effort should be made to completely cover the wall." See Exhibit 134, at page 1467 of the evidence.

Mr. Pettigrew has explained to you that the changes he made in the wall were slight and inexpensive. See also the annual reports for 1897–8, page 14, and for 1899–1900, pages 7 and 20. He simply took off the top course and made a planting space or slope between it and the water. This loam-slope he also carried around that part of the pond where Mr. Olmsted's walk had been built, between the walk and the water; thus diminishing very much the artificial appearance given to the pond by the unforeseen exposure of several feet of gravel bank and wall. The only objection that anybody can fairly make to this change is that it was not done sooner.

We then have a parapet at Funeral Bridge which was altered; — a very slight change, and a good reason for it, as explained by Mr. Pettigrew and Mr. Sargent.

The Valley Gates, separating the Country Park from the Playstead in Franklin Park were taken away because they were found to be dangerous.

Then the wall in Glen Lane, which according to Mr. Dole was "a scar on the bosom of Venus," and had apparently been thus regarded by the people from the time it was first built, was taken down.

That is all there is in this hue and cry about changes in Mr. Olmsted's work. There is, in all human probability, not one of them that Mr. Olmsted would not have approved himself if he had been where his opinion could have been asked.

That is all there is to this branch of the case, except the cost of these changes. Witnesses have said that it was an outrage for the Park Commissioners to undo completed work because of the enormous expense to the taxpayers of Boston. Did any of them try to find out what these changes had really cost? They could easily have ascertained the facts; but none of them tried to do so, because none of them desire in-

formation. To use their own language, they "have simply come here to criticise."

And what did they cost? The committee found it out without difficulty. The amount was $10,660 for all the changes put together — $9,900 for the changes at Leverett Park, and $760 for the changes at Jamaica Pond. I take it that the $760 does not include the walk, but only the change in the wall, -- which was all that was objected to. The changes in the Valley Gates, at the Funeral Bridge, and in the wall at Glen Lane, cost the city nothing. You will find the information upon these matters on pages 1329 and 1331 of the evidence.

So much for the changes in Mr. Olmsted's completed work.

There has been one change made in his uncompleted work; and that was in the "Greeting," which was shown on his plans for Franklin Park, and which was intended to be a sort of concourse, something like Rotten Row in Hyde Park, London. The Greeting had been built, to the extent of stripping the loam; but was left in that condition for many years. It was discontinued by the present Commissioners upon the advice of their landscape adviser, and has been replaced by a glade covered with turf, upon portions of which trees have been planted. This change was made for two reasons. In the first place there was the cost — $175,000 to $200,000. In the next place it was felt that enough had been done for the carriage people. Thirty-four miles of drives had been projected for our park system, and twenty-five of them had been built. It seemed to Mr. Sargent and the Commissioners that enough had been done for those who go to the parks in carriages or on horse back, and that it was not necessary to spend $200,000 more of the public money to make a Rotten Row in Franklin Park, for the sole benefit of those who ride and drive. It was thought that it would be more in the interest of the general masses of the people if that plan were abandoned and the place converted into a pleasant meadow such as you now find there. The cost, I believe, was about $15,000. If you wish to see what was said in the annual reports on the subject of the abandonment of the Greeting, you can refer to the Report for 1897–8, p. 12, and to that for 1898–9, p. 7.

Here again, Mr. Chairman — and I ought to have mentioned this fact when I was discussing the changes at Leverett Park and Jamaica Pond — all these changes, the filling of the pools, the changes in the walks at Jamaica Pond and the abolition of the Greeting, were specified in the estimates

of December 30, 1897, and ratified, as I have already explained, by the Mayor and City Council. All these questions were *res adjudicata* two years ago, and they would only have been raised at this late day by persons ignorant of the facts and intolerant of information. The time to object was in 1898, when the City Council was asked to appropriate $50,000 and to authorize the Mayor to petition the Legislature for another million dollars to complete the park system according to the revised estimates of the Commissioners, with these changes specifically noted.

Before passing from this part of the case I ought, perhaps, refer to the absurd attempt that has been made to have it appear that there has been some conflict between the ideas of Mr. Olmsted and those of Mr. Sargent with reference to the completion of the Boston parks. What Mr. Sargent thinks of Mr. Olmsted and his work you can gather from his testimony in this case, for he attributed to Mr. Olmsted the entire credit for what he called, upon the whole, the best park system in the world. You can also refer to the dedication to Mr. Olmsted by Professor Sargent of one of the volumes of his work on the Silva of North America. What Mr. Olmsted thought of Professor Sargent is also apparent from the evidence in this case. Frequent quotations from Professor Sargent are to be found in Mr. Olmsted's reports to the Park Commissioners. See the annual reports for 1879, 1885, 1886 and other years; Mr. Olmsted constantly sought Mr. Sargent's advice concerning his work in Boston, in New York, and for the World's Fair; and they co-operated on other occasions. The whole attempt to have it appear that there was any antagonism or could be any antagonism between them, is simply on a par with the rest of the criticism in this case. They were the first authorities in the country on the subject of park scenery; and there is no evidence of any difference of opinion respecting the parks in Boston, Brookline or elsewhere.

Having failed to show that there were any changes in Mr. Olmsted's work that amounted to much, or which cost much; having failed to justify the criticism as to the abandonment of the Greeting, with its saving to the city of nearly $175,000; our half dozen critics fall back upon alleged inappropriate alterations by these Commissioners in the alleged "natural scenery" of the parks. This has been the main burden of their complaint, probably because very vague, and therefore safer than objections to specific things; but they were not allowed to hide behind this general objection to the work of

the past three years. It is the function of cross-examination to find out what is really in the minds and hearts of the witnesses; and on cross-examination it appeared that the things these witnesses objected to in particular were these — and I ask your attentive consideration to this list, because it embraces every single thing relating to scenery that any critic of the Park Department who has testified in this case objects to, — except tree culture, which I will consider by itself. They objected to the roads in the wilderness in Franklin Park, to the waterworks in Franklin Park, to the wall in Glen Lane, to the Refectory, to the stone steps in Franklin Park going up to Hagborne Hill, to the wall and walk at Jamaica Pond, to the pools and waterless brook in Leverett Park, to the Cascade bridge, to the presence of exotic trees and shrubs in the parks, to the boundary walls and plantations, and to the removal of trees in order to obtain landscape effects.

That, Mr. Chairman, is a complete list of the alleged violations of nature committed by these Commissioners; but every one of those things was either begun or done by the predecessors in office of the present Commissioners, under the guidance, advice and plans of Mr. Frederick Law Olmsted. The only exception that I ought to make to that statement is with reference to the boundary walls. These were not even begun in Mr. Olmsted's time; but they constitute a part of his original plans, as will be seen by a reference to his notes on Franklin Park, page 64. You are here to investigate the conduct of the Department since Mr. Olmsted left it and the wisdom of the advice rendered by his successor, and all you can find in the way of criticism is some dozen or twenty charges, every one of which applies — not to the present Commissioners or to Mr. Sargent, but to prior Commissioners and Mr. Olmsted! That is quite characteristic of this case. In this branch of it, as elsewhere, the things complained of were done by somebody else.

I do not propose to take up the time of the committee in considering whether any of the features which I have just enumerated as objected to were really objectionable from the standpoint of good landscape art, or not. It is in evidence, kindly furnished by Mr. Dole, that objection was made to many of these things, particularly the Funeral bridge, the Refectory, and the walks and wall at Jamaica Park, etc., by prominent citizens and by the Mayor at the time they were done; but it was not for us to set up our judgment against Mr. Olmsted's. He probably knew better than we did. Even supposing that he did make mistakes, and

that there are too many stone steps in Franklin Park; suppose this wall in Glen Lane was in truth a "scar upon the breast of Venus;" suppose there was too many walk and wall at Jamaica Pond; — what of it all in comparison with the great and admitted value of Mr. Olmsted's work? What does it all amount to, gentlemen? Three or four errors of judgment in a great work costing over thirteen million dollars!

Other people made mistakes besides Mr. Olmsted. There are some ugly buildings in the parks; there are some ugly bridges — one, at least, if not more. The architects were responsible — not Mr. Olmsted. Too much money was spent for water works in Franklin Park. The engineers were to blame for that. And if you find exotic shrubs scattered through the wilderness and other parts of Franklin Park you ought not to attribute the blame to Mr. Olmsted, but to the Superintendent of Planting at that time, whose operations Mr. Olmsted could not control, as is fully set forth in the written complaints of the Olmsteds to the Commissioners.

We have eight large parks, comprising 1,300 acres; they have cost, exclusive of the playgrounds, thirteen million dollars; and the only mistakes that intelligent critics can find in the work of the designer of these parks are a few unnecessary walls, walks and steps. Of what other man who has been entrusted with the expenditure of so much money could it be said, after his work was done, that he made only three or four relatively insignificant mistakes? We may agree that they were mistakes; but even those of us who criticized them at the time, and whose advice was overruled, realize, now as then, that Frederick Law Olmsted was the greatest landscape engineer this country has produced, and that the Boston Park System was, on the whole, his greatest work. No other man ever had as much park construction entrusted to his care. He had opportunity in plenty; but he had the genius to utilize it; and opportunity and genius together make up greatness. We citizens of Boston and the generations that are to follow us owe him everlasting gratitude for the work he did in the Boston parks.

I will say nothing more of Mr. Olmsted, except to quote from Professor Sargent's dedication of the fifth volume of his "Silva of North America," where he is described as the "great artist whose love for nature has been a priceless benefit to his fellow countrymen."

Mr. Chairman, all this criticism of Mr. Olmsted is a fraud; all the criticism that has been based upon the things I have

mentioned is fictitious. It is not a genuine criticism from the standpoint of those who advance it. What do these critics care about a few mistakes, a few superfluous walls and a few unnecessary walks? That is not what they are concerned with. The real grievance that animates their criticism of the Park Commissioners — the grievance which lies behind their effort to make you believe that there has been some antagonism between Mr. Olmsted and Mr. Sargent, and that the work of the one is being undone by the other; — their real grievance, Mr. Chairman, is based on the construction of border plantations in front of their individual estates, and on the removal of particular trees, or groups of trees, which formed a pleasing prospect from their private houses. Their complaint does not affect the present Commissioners, or Mr. Sargent or Mr. Pettigrew, in particular. It does not in reality affect their predecessors in office. It touches rather the whole theory of park management, and every manager of every park in the civilized world to-day. These critics come to you, assigning fictitious reasons for their opposition to the Park Commissioners, but in reality desiring that the parks of Boston shall be built and administered upon theories that are repugnant to the views not only of Mr. Olmsted and Mr. Sargent, not only to the published explanations of the eighteen successive Boston Park Commissioners, but to the opinions of all Park Commissioners, all Park Superintendents, and all authorities upon landscape art and tree culture in this country or elsewhere, the world all over.

Who are these objectors, and what are their real motives, as disclosed by their own evidence in this case? Three of them are abutters on Franklin Park — Messrs. Dole, Williams and Bolles. There are also two or three sympathizing neighbors. Then there are the men I have mentioned already — Messrs. Jeffery and MacCallum, suspended foremen and amateur detectives. And there is our old friend, Dr. Barnes, whom I might term a professional critic of municipal affairs, always finding fault with somebody, always criticising some department. It happens to be the Park Department this year; it may be the Street Department next year. No administration can get along without him. No department, however admirably managed, is safe from his constant interference.

And that is all, Mr. Chairman. Pardon me, I had forgotten Kelly! And these are the critics of the Park Department. These are the men, Mr. Chairman, who set up their judgment — or, as I shall show you in a moment, their self-interest, — against the unanimous opinion of everybody in the world who knows anything about the subject.

Why do these people object to boundary plantations? Because they live upon the edges of the parks, and because they think that the City of Boston is bound to administer the parks for their private personal interest, and not for the good of the people at large. They don't want boundary plantations behind whose screen the women and children who seek our parks in search of rest, quiet and happiness, can imagine themselves, for at least a few short hours in a weary day, removed from the toil of city life. They want those boundary plantations cut down, so that they as abutters may enjoy, even if it be to the detriment of every one who visits the parks, the beautiful views across them. This is a purely selfish motive; but nothing new, or unusual. You will find it exhibited everywhere near public parks. I am told that in New York, rich men living on Fifth avenue have had sufficient political influence to induce the Park Commissioners to cut down trees in front of their respective million dollar mansions.

So as to the boundary walls. No abutter, none at least who has appeared against the Commissioners at these hearings, believes in boundary walls — in front of his estate. And of course he would be pleased to have an entrance immediately opposite his house. The general need of boundary walls to preserve the plantations while they are young and to assist in the proper policing of the parks is not appreciated by these gentlemen; for they care no more for the general good than they do for the "views of the masses," which Mr. Bolles so contemptuously ignores.

The question of boundary walls and plantations will be found discussed in the Report for 1882, p. 20; Report for 1897–8, pp. 4 and 9, Report for 1899–1900, p. 2, in the Notes on Franklin Park, p. 64, and elsewhere in the official publications of the Park Commissioners. See also the letter from Olmsted, Olmsted & Eliot to Mr. Pettigrew, Exhibit 135. You will also remember that these walls were specifically noted in revised estimates of December 30, 1897.

The objections to the border plantations are founded, or professed to be founded, upon the assumption that the screens are desired in a spirit of aristocratic exclusiveness, so that people cannot look into the parks. Of course, as you all know by this time after the explanation of the witnesses, the real purpose of these border plantations is just the opposite. They are built here, as in all other rural parks in this country and elsewhere, so that when the people — who have built and paid for the parks and own them — go into them they shall be spared the annoyance of constantly observing artificial,

uninteresting, and unsightly objects, and may feel as nearly as may be that they are really in the country. As Mr. Olmsted puts it in the Report for 1883, p. 20: "The circumstance that distinguishes a park therefore is that of seclusion. All parks properly so called are surrounded by screening plantations, and it is the leading motive in their design to shut out the view to those to be benefited by them whatever might be unfavorable to a continuous impression of consistent sylvan scenery." The sense of seclusion from city sights, which is the desire and right of those who visit Franklin Park cannot, of course, be realized if the houses and other buildings of the abutters on the park are visible from within.

So, according to these critics, no tree should be removed — no matter how necessary in the execution of the general plan of the park and no matter if it be diseased or a source of danger to other trees — if it forms for the time being an object of familiar interest to the few individuals who happen to live in sight of it.

The trouble with Messrs. Dole, Williams and Bolles and their sympathizing friends is that they want the Park Commissioners to administer the funds and property entrusted to their care for the particular use and benefit of Dole, Williams and Bolles, rather than for the comfort, health and pleasure of the people who have bought and own the parks. Their whole theory could not be better expressed than by Mr. Dole when he said that he regarded Franklin Park as his "back yard."

Should the Park Commissioners be criticised for protecting the interests of the people, for whose benefit and at whose expense these great parks have been constructed? Are they not rather to be praised for making a correct stand in the public interest and for not yielding to the selfish demands of a few abutters? Our parks were bought and paid for by the people, and they must be laid out, planted, and administered for the benefit of the people as a whole. They are intended for the use of those who go to them in search of rest and recreation, and not for the benefit of those who live on the outside and merely wish to look in. This conception of the function of a public park is democratic, not aristocratic, and is now everywhere regarded as a fundamental principle of public park architecture.

The selfishness of the abutters seems to be accompanied by a mistaken idea that they have some legal rights in the premises. This is not so. The parks of Boston belong to the people as a whole; and the abutters have, as such, no special

rights or privileges in them. They have paid nothing by way of betterment or otherwise for rights of view or for special entrances; and the claim that they are entitled to special privileges by reason of the situation of their estates upon the edges of the parks has simply no foundation in law.

I ought not, however, to pass from the case of these abutters without disclaiming any assumption that the three gentlemen and their friends who have appeared before this committee fairly represent the wishes of our park abutters as a whole. If you examine the city atlas you will see that there are about sixty abutters on the Back Bay Fens, about seventy on Franklin Park and twenty or thirty on Jamaica Park; but of all this number only three, Messrs. Dole, Williams and Bolles, have seen fit to come to these hearings to criticise the Commissioners for the construction of border walls and plantations. I should be doing an injustice to those who live along our parks if I left you to suppose that these three selfish men were fairly representative of our park abutters as a class.

Another misconception of the true purposes of a park is disclosed by the thought which underlies the whole testimony of Mr. Dole and Mr. Enneking, that the parks are for the benefit of "those who are living at the present time." From the temporary standpoint of the present time it might, indeed, be desirable to leave the woods exactly as they are; because the effect of any cutting, however slight, is to create conditions which for a short time are less beautiful than those which previously existed. But this view loses sight entirely of the fact that our public parks are not only for the benefit of those now living in the city, but also for the use and enjoyment of those who are to come after us. In fact, the next generation has just as large a proprietary interest in the parks as we have, for those who succeed us will for the next thirty years be called upon to contribute to the original cost of the work now being carried on. It is, therefore, plainly the duty of the Commissioners to so manage the parks and the woods in them that they will be attractive and useful to succeeding generations as well as to our own As stated by Mr. Olmsted in a public address printed with the Annual Report for 1888, "The results of any proper work of a Park Department are not apt to be fully reached for a long time after the work has been mainly done. Often the early results are decidedly unpleasing. . . . The best intended results may not ripen during the lifetime of those to be chiefly credited with them." The park lands were conveyed to us to have and to hold in perpetuity, and were acquired as

much for the benefit of the unborn generations of the future as for the enjoyment of those who happen to be living on the day of purchase. The duty of our Park Commissioners is clearly not to yield to the selfish impatience of those who wish to keep the parks exactly as they are for fear of losing temporarily a portion of their beauty; but to do that which is in the long run best for the parks and the trees in them, so that the people who are to come after us, and who will be infinitely more numerous than we are, may enjoy the finest park scenery obtainable.

Our seven critics entertain, or profess to entertain, certain other beliefs concerning the methods and purposes of the Park Commissioners, which are perhaps unimportant in themselves, but which I will allude to in passing as indicating the facility with which ignorance can harden into obstinate and unreasoning criticism.

In the first place some of these gentlemen think that the only object of the Commissioners and their advisers is to grow "specimen" trees, — such for instance as are to be seen in the Arnold Arboretum. It seems hardly necessary to refute this notion; as all that the critics had to do to discover how mistaken they were was to take a walk through the Arboretum where they would see how "specimen" trees are really grown. There is no evidence of such a policy anywhere in the parks; and no "specimen" tree of the sort in question has been or could be pointed out, except possibly a few which may have been growing in the open for many years. The Commissioners planting consists almost entirely of border trees along the roads and of continuous plantations or banks of trees.

Two or three of the witnesses thought that they could score a point against the Commissioners by suggesting that they were trying to imitate English park effects. Now the only distinctly English park effect that any of our eighteen Commissioners have tried to introduce is the one which the Commissioners under investigation in this case have deliberately abandoned, namely, the establishment of a Rotten Row in Franklin Park. On cross-examination, however, it appeared that what these witnesses had in mind by "English" park scenery was an effect of open lawns with large isolated trees scattered about. There are one or two places in Franklin Park where scenery of this sort is to be found, namely, the glade called Ellicott Dale and the Playstead; but I think that everybody will admit

that these are about the most beautiful parts of Franklin Park. None of the critics have suggested that these sections of the park be altered so as to avoid any appearance of English scenery. The only basis for criticism of this sort is the unconcealed desire to have the committee and the public think that the Commissioners are doing something "English." It is founded upon a total misapprehension of what good park scenery consists of and also upon false assumptions as to the facts of the case. The whole aim of our successive Park Commissioners, their landscape architects and advisers from the beginning has been, as repeatedly explained in the annual reports of the department, and particularly in Mr. Olmsted's "Notes on Franklin Park," to create such conditions as will permit the gradual recovering of the soil with genuine and typical New England woodland scenes. English park effects such as these critics have in mind are very beautiful in themselves, but as a matter of fact they have not been sought by our Commissioners, whose constant aim has been quite otherwise, as any of the critics might have ascertained for himself if he had taken the trouble to inspect the annual reports of the department. I hope to find time to quote from some of these reports before I close my argument.

It was said that the Commissioners are cutting out the older trees for the purpose of encouraging younger ones. This also is a misapprehension. If you will look through the woods in Franklin Park you will be struck with the fact that it is rather the younger trees than the older ones which seem to have been cut out — although it is difficult to find many traces of cutting any way. The older trees, if equally healthy, have been preferred, as is common in the care of woods.

Similarly they say that the Commissioners are trying to get rid of the undergrowth. Here, again the fact is just opposite. The trouble is that the witnesses do not know what undergrowth is, or how its presence is secured. When the Commissioners are engaged in efforts to secure a natural undergrowth and in order to do so cut out some trees to let the light in and take out some of the existing underwood, which is not natural there, the witnesses rush to the conclusion that it is the purpose of the Commissioners to sweep the undergrowth entirely out and to leave the floor of the woods as smooth as a billiard table.

All these minor assumptions are false, as any of these witnesses might have discovered, if he had taken the pains to consult anybody connected with the Park Department.

But the objections of the critics are mainly based upon the belief, or alleged belief, that the Park Commissioners have altered the natural scenery and destroyed the natural beauty of the landscape as it existed before the creation of the parks.

This criticism, Mr. Chairman, is founded in the first place upon a total misunderstanding of what a state of nature in New England really was. Some of the witnesses seem actually to believe that Franklin Park, or the lands which have since become Franklin Park, were, in 1883 in a "state of nature," and formed a "characteristic New England landscape." These were Mr. Enneking's own words; and he added that Franklin Park before it was bought for park purposes was an "Eden of beauty." Mr. Dole is a little better informed as to what a New England landscape really was, and only claims that Franklin Park was in a state of "semi-nature."

Now, Mr. Chairman, this whole notion is erroneous; there is not a glimmer of fact contained in it. It is totally and completely wrong. There was nothing on the lands bought by the city for Franklin Park in 1883 that was in a "state of nature." There was hardly a square foot of soil, there certainly was not an acre out of the whole five hundred and fifty that, in its appearance, even approximated a state of nature. But a third or a quarter of the territory was wooded; and that was not covered by natural woods, but only with such trees as had casually sprung up after the use of the axe for two centuries and the progress of repeated fires. The soil had become impoverished; great changes had occurred in the species of trees; and those that were found growing there were for the most part starved, stunted and decayed. There was, in fact, hardly a tree similar in kind, vigor or appearance to those which beautified the place when our ancestors founded this country, and when a state of nature really prevailed. The face of the land was scarred with innumerable roads, stone walls, quarries, buildings, stables and other artificial and unnatural objects. It was dotted here and there with foreign apple trees, Norway spruces, and other trees which, though native to New England, were not native in that spot.

So far from it being true that the lands which became Franklin Park in 1883 were then in a state of nature, it would be more correct to say that there was not a thing there which resembled the natural scenes which our

ancestors saw when they landed on these shores in 1630. Everybody knows that except these critics. Everybody else knows, or at least can find out, what the natural condition of the New England landscape was. You can see it to-day in northern Maine, New Hampshire and New York. Many of you doubtless have seen it. One instance of it you can still discover, in all probability, in Boston — and that is in the hemlock woods in the Arboretum. Although these woods may not, perhaps, so far as the individual trees go, reach back to 1630, yet in the mass they fairly represent a native New England hemlock grove. A state of nature in New England meant simply one unbroken forest. There was not a meadow, there was not a glade, there was not a natural open space upon the surface of the land, when our ancestors cleared the woods. From the Atlantic ocean westward to far beyond New York there was nothing but a dense, unbroken forest.

People who talk about a "state of nature" as existing in Franklin Park seventeen years ago simply do not know the meaning of these words in their application to New England scenery.

If you want to know what the condition of Franklin Park really was in 1883 and what changes have been effected in its appearance in the intervening seventeen years you can get a very good idea by comparing the two maps that have been put in evidence as Exhibits 137 and 138. They show you Franklin Park as it was and as it is. If you want photographic proof you will find it in the annual reports of the Department and in the collection of photographs at the Commissioners' office. If you want written proof you will find it in Exhibit 130 and elsewhere in Mr. Olmsted's descriptions of Franklin Park. I would refer you particularly to the valuable pamphlet written by him and published by the Department in 1886, entitled "Notes on Franklin Park"; and I would ask you to note particularly what Mr. Olmsted says on page 40 to the effect that the lands comprising Franklin Park "had been at various points harshly gashed by rudely engineered roads, scarred by quarries and gravel pits and disruralized by artificially disposed trees and pseudo-rustic structures."

Exhibit 130, which is a special report by Mr. Olmsted to the Park Commissioners, dated August 13, 1893, upon the condition of the trees in the public parks, contains the statement that most of them "had sprung up naturally in situations which, because of the thinness and poverty of the gravelly soil, and because of the ledges penetrating it and

the boulders scattered through it, had been left uncultivated. They were generally sprouts from stumps of trees previously felled and had been crowded into spindling and awkward forms. The straightest and best had been culled out, leaving the poorer. All the wooded ground had repeatedly been burned over, destroying the leaf-mould upon it, and injuring the trees. There was but little underwood. The conditions described had been unfavorable to the health and vigor of the trees remaining, and most of them, when they came into possession of the city, were of a quality which would be considered extremely poor if found in the trees of a garden or lawn, or on any fair cultivable land. Among them all there was hardly a score of fine, symmetrical, well-grown, healthy specimens. A great majority of all were of a distinctly stunted habit. Trees of corresponding age, growing under more favorable conditions, in more genial regions, are often found of more than twice their average size. Many showed evidence of decrepitude and vital failure. Some were dying. Considerable parts of many were in a state of progressive decay, this being manifest by numerous dead limbs and the thinness of their foliage. . . . .

The notion that the scenery has been made less natural or more artificial is equally unfounded. . . . . .

As to what has been done in Franklin Park it may be said in a general way that most of the buildings have been removed, and that all the walls, roads, banks, hedges and other artificial features have been done away with. The lines of trees planted along these roads have also been destroyed, together with many isolated apple and other foreign trees. Various glades and views have been opened up; a pond has been constructed, the absence of water having, in Mr. Olmsted's opinion, been one of the drawbacks to the park; and the wooded area has been more than doubled. The result, due not, as Mr. Enneking supposed, to the appearance of the place in 1883, but rather to the changes made by Mr. Olmsted and his successors, has been to make of Franklin Park something which Mr. Enneking admits to be in many respects more beautiful than any park in Europe. Mr. Olmsted anticipated this very attack when he said in 1888 that "The best results of the best, most difficult, and most costly operations are likely to be accepted by the public as results of nature's work almost exclusively."

What I have said about Franklin Park applies as well to Jamaica Pond. This pond was doubtless, when really in a

state of nature, a most beautiful spot, as it is to-day, and perhaps more beautiful then than now; but it was not a beautiful place in 1892, when we took it, in comparison with either its former or its present state. It was surrounded with buildings, every one of them objectionable as adjuncts to a public park. It had, in particular, two great wooden structures used as ice houses on its banks. It had high wooden fences. It had these and other artificial surroundings, all of which have been removed by the Commissioners in the effort to do at Jamaica Pond what they have done at Franklin Park — *i. e.*, to restore the surface of the land approximately to a state of nature, or, rather, to state the case more accurately, I think, to put it in such a condition that Nature herself will, in the course of time, be enabled to reproduce itself and to restore original conditions and original scenery.

The general theory of park construction has been fully explained by Mr Olmsted and our various Park Commissioners. You will find that in the annual reports of the department the whole theory of public park construction and management, and the reasons for re-establishing, or recreating a state of nature, or as close an approximation to it as is possible, instead of introducing artificial scenery and artificial features, are far more elaborately explained than I have time for on the present occasion. These reports are accessible to everybody, and all the critics had to do, if they were honest in their criticism and really desired to inform themselves as to the purposes of the changes effected since 1883, was to conconsult the annual reports of the Park Department.

They might, for instance, have gone to the Second Report of the Park Commissioners, dated April 24, 1876, — before Mr. Olmsted was retained, — and have read a comprehensive description of the proposed parks. On page 9 of this report they would have found that in the opinion of our first Board of Park Commissioners, Messrs. Coolidge, Gray and Dalton — to whom too much credit cannot be given for conceiving and laying out our park system — the "sylvan features of the parks should be rigidly protected and all costly artificial ornamentation excluded." I will quote also the sentences which follow these words: "Simplicity of treatment, only, can harmonize with the natural beauties of the grounds, while any unnecessary architectural or engineering display will be both a waste and disfigurement. Many of the noblest parks in England have, for centuries, been treated in this manner. As a general rule, each element in their scenery is simple, natural to the soil and climate

and unobtrusive, and yet the passing observer is very strongly impressed with the manner with which the views are successively opened before him, through the innumerable combinations into which the individually modest elements constantly rearange themselves; views which often possess every quality of complete and expressive landscape composition." Further along on p. 31 the Commissioners, speaking of what is now Franklin Park, say: "This reservation is worthy the highest skill of the landscape gardener and engineer, under whose treatment it would become a park in the true sense of the word, and adequate to the enjoyment of the people of Boston for many years. Thousands can occupy its groves, hillsides and glades with mutual pleasure, and find thereby that refreshment and relief from city sights and sounds which rural surroundings can only give."

These quotations are from the first detailed description of what our parks, particularly the one contemplated in West Roxbury, were going to be. After the employment of Mr. Olmsted as advisory architect and the taking of the lands for Franklin Park, he was requested by the then Board of Park Commissioners, Messrs. Dean, Maguire and Andrew, to prepare a statement for publication explanatory of his plans for the development of that park. The result was one of the most valuable contributions to the literature of public parks that has ever been written. I have already referred to it once or twice. Its full title is "Notes on the Plan of Franklin Park and Related Matters," and it was published by the Park Commissioners of 1886 as an official description of what it was proposed to do with the lands acquired in 1883 for a country park. I wish that I had time to quote from it extensively, but I must restrict my use of it to such portions as describe more particularly the general purpose of the landscape architect with reference to natural scenery and the avoidance of artificial features. On page 45 he defines the purpose of the plan of Franklin Park to be that "of placing within easy reach of the people of the city the enjoyment of such a measure as is practicable of rural scenery." He goes on to say that it is not an easy matter in the immediate outskirts of a great city to provide scenery which shall be so far rural in character and effect as to be capable of exerting the influences sought for. He refers to the fact that "some wise men are accustomed to ridicule the earlier result of efforts to that end by comparing it with scenery remote from cities, the rurality of which owes nothing to human care;" and points out that as such scenery is not available for the masses of the people of a great city the only question is how

much of it can be procured at reasonable cost within the limits of a city park.

On page 61 — and I call the attention of our friends, the anti-tree cutters, to these words — he says: "The woods of the Wilderness, after having been much thinned and trimmed with a view to the growth of the best of them in sturdier and more umbrageous forms, and to some degree of grouping and more harmonious companionship, are also to be interspersed with scattered, irregular thickets of low, sturdy bushes, not only for picturesqueness, but to keep the ground in the more arid parts, better shaded and moister, hide its barrenness, check rushing movements of visitors and prevent the trampling of the drier ground to dust."

Note also the following extracts from pages 62 and 63: "From wherever these larger prospects open, the middle distances will be quiet, slightly hollowed surfaces of turf or buskets, bracken, sweet-fern, or mosses, the backgrounds formed by woodsides of a soft, even, subdued tone, with long graceful, undulating sky lines, which, according to the point of view of the observer on the park, will be from one to five miles away. Causeways, trees, rocks and knolls interrupting or disturbing the unity, breadth, quiet and harmony of these broader open passages of the park scenery are to come away. There are none of importance that are not of artificial origin and easily removable. Trees wanting to the results proposed are to be planted and suitably developed by timely thinning."

Upon the important question of the cost of maintenance, Mr. Olmsted's views are found summarized on pages 84 and 85 of this pamphlet. "Rural parks may be excessively costly of maintenance, either by setting the standard so low that visitors gain but little rural refreshment from them, or by setting it so high that it cannot be lived up to, and then becomes forlorn through shabby gentility. . . . The annual running expenses of a park of the extent of Franklin Park, if laid out, stocked and maintained in the manner of the Public Garden of Boston, or of any much decorated, garden-like ground, would be about $500,000. . . . The plan adopted by the Commissioners for Franklin Park is one that, when the designed plantings have been well established, will require comparatively little fine garden work, no exotic or fine decorative gardening, no glass, no structures of an unsubstantial class, and few of any kind subject to fall into serious disrepair, except roads and walks."

On pp. 95 to 98 he says, "The value of a large park does not lie, as is apt to be thoughtlessly taken for granted, in

those elements which cost and manifest the most labor and the largest absorption of taxes; that is to say, in the roads, walks, bridges, buildings, and other obviously constructed features. These have value as conveniences for making the larger elements of a park available for the enjoyment of the public. . . . Mainly, the value of a park depends on the disposition and the quality of its woods, and the relation of its woods to other natural features: ledges, boulders, declivities, swells, dimples, and to qualities of surface, as verdure and tuftiness. Under good management these things do not, like roads and walks, wear out or in any way lose value with age. Individual trees must from time to time be removed to avoid crowding, or because of decay; but, as a rule, the older the wood, and the less of newness and rawness there is to be seen in all the elements of a park, the better it serves its purpose. This rule holds for centuries — without limit. . . . As to a park, when the principal outlay has been made, the result may, and under good management must, for many years afterwards, be increasing in value at a constantly advancing rate of increase, and never cease to increase as long as the city endures. This (with an explanation presently to be made in a foot-note), will be obviously true as to the principal element of a park, its plantation. . . . The better to bring this class of considerations home, it may be suggested that had five hundred acres of land been set apart as a park for Boston, and trees planted, natural plantations thinned, opened, preserved, renewed, and other natural features protected and judiciously treated for two centuries past, instead of deteriorating as most other public works would have done, the park would have been all the time advancing with a constantly accelerating rate of advance in value. But had the artificial features been originally made in adaptation, solely to the wants of the people of the day or their immediate successors, an enlargement and re-adjustment of them suitably to a convenient use of the park by the present population of Boston could only be effected by much destruction of the natural features. . . . In no other public work of a city, then, is it of as much importance as in a park to determine courses to be pursued with regard to growing results, and in a great degree distant ends rather than ends close at hand and soon to be fully realizable."

In the foot-note referred to in this last quotation Mr. Olmsted adds that "the value of everything else to be contemplated in the plan of a park must be forever dependent on the condition of its trees."

Finally on page 108 he lays down the doctrine that the only permanent security for the efficient sustenance of the larger purposes to be served by a public park lies in a strong conviction of its importance pervading the community. "Such a conviction cannot be expected to develop intuitively or spontaneously, at an early period of a large park undertaking, because the work will as yet be supplying little of immediate and direct pleasing interest to the public. On the contrary, the earlier work on a park site is apt to destroy for the time being, much of whatever rural beauty it may possess."

His closing words are: "Even a new plantation, if well designed for future beauty, is apt at first to make an unpleasant impression. . . . In the management of a large park it is then of the first importance that the people to whom its managers are responsible should be asked and aided to acquaint themselves, otherwise than by observation on the ground, with the general plan upon which it is to be formed, to understand the leading ends and motives of this plan, the dependence of one part upon another, the subordination of the minor to the major motives, and to take an intelligent and liberal interest, and a well grounded satisfaction, in its development through growth, as well as through the advance of constructive operations."

The pamphlet ends with an apt quotation from Ruskin:

"Let it not be for present delight nor for present use alone; let it be such work as our descendants will thank us for and let us think . . . that a time is to come when . . . men will say: 'See, this our fathers did for us.'"

In his report to the Commissioners of 1887, printed in the annual report for that year, he calls attention on pages 70 and 71 to the necessity for extensive tree cutting in Franklin Park, not only for the purpose of clearing the way for the necessary roads, but also for reasons of a purely landscape order. "Necessarily many trees must," he says, "be taken out to make way for the roads and walks, and more that slopes of natural character may be formed where the existing natural surface has to be broken. Not infrequently also insignificant or decaying and unpromising trees are to be removed that others may be better developed and that natural features of various kinds may be better brought into view."

In the report for 1889, on page 44, Mr. Olmsted again adverts to the general aim to be kept in view in the treatment of Franklin Park, as follows: "The principal aim of the work undertaken by the Commissioners to make its characteristics in these respects [referring to hills, dales, ledges, woods and meadows] more marked and effective by the in-

troduction of judiciously directed roads, walks and other conveniences to lead people in courses by which they will obtain the most enjoyment of the scenery for themselves and interfere least with the enjoyment of it by others. The means taken for this purpose cannot have their intended effect all at once. The first results are necessarily raw and inharmonious. Some little time is needed to reconcile them with nature. . . . "Grace and breadth of turfy surface is gained through the removal of old causeways, ridges and walls, the reduction of hillocks, and the partial filling of abrupt depressions; through the cutting out of trees by which broad views were too much obstructed or divided, through the planting of trees and bushes where shade and obscurity would enhance landscape effects, and by giving greater apparent prominence to certain rocks and trees and other natural objects of interest."

I will end these quotations from Mr. Olmsted with a fine passage from his report to the department in 1894 — the last he ever wrote, I believe — published in the annual report for 1894–95 at page 70. As near as I can ascertain this is the last word that Frederick Law Olmsted left as a sort of legacy to the city and the people for whom he had done so much:

"The Boston Parks, after nearly twenty years of effort, have only lately reached that stage of development which enables the general public to begin to understand what parks really are and what the designing of them means. Crowded populations need space for exercise, for air, and for obtaining the refreshing sense of openness and the sight of sky, distance and landscape, of which they are so completely deprived in the streets. The Adirondacks, the White Mountains, and the Maine woods supply for many persons who can afford to travel to them the needed antidote to city life. The nearer, more thoroughly humanized and yet unsophisticated landscape of the rural township affords annual refreshment to thousands of others. For the recreation of those who must remain in town, why is it not possible to purchase an attractive and acceptable rural area comprising woods, fields, streams and ponds, and preserve it forever in that charming condition which is the product of the natural partnership of man and nature? No gravel paths are half so charming as the turfed wood roads of New England farms, no shrubbery so pleasing as those which nature rears along the farmers' walls, no pools so lovely as those which, fringed with natural growth, fill and drain away according to the season and the supply of the rain.

"Possibly it is a pity that such preservation of rural conditions in public parks is impossible, but that it is impossible

is certain. The woodland and the farming land, the embowered pond, the river banks, which possess such fresh beauty and such virgin charm so long as they are frequented merely by the farmer and his boys, occasional sportsmen, or the owners of the country seat, will inevitably be despoiled of much of their attractiveness when they are invaded by thousands of persons every week or afternoon. The undergrowth of the woods is soon broken and trampled, the beautiful fringe of the little pool is reduced to mire, the old trail along the river bank is soon worn so wide and deep that the roots are exposed and the trees slowly killed. But, because it is thus impossible to preserve the charms belonging to the quiet countryside, is it necessary to abandon the attempt to secure for city people some measure, at least, of that refreshment which they so sorely need? The Boston parks, incomplete as they still are, already answer this question in the negative. Formed slowly, in accordance with well-studied plans, it is now evident that Charlesbank and Charlestown Heights, the Fens and the Parkway, Leverett, Jamaica, and Franklin Parks supply, each in its own way, kinds and means of recreation both healthful and valuable. Fresh air and exercise in pleasant surroundings are obtained at the two first named places. The Fens and Parkway will furnish miles of agreeable roads which, with all the adjacent houses of the future, will command views of stream-side scenery very unusual in the midst of a city. Lastly, in Franklin Park there is found a leafy screen which hides the town, a breadth of view, an openness, a peculiar kind of scenery, which, in spite of necessarily broad roads and gravel walks, is very refreshing, interesting, and beautiful in a high degree. Such park scenery bears little resemblance to either the ideal landscape of painters or the so-called natural landscape of farms, orchards and wood lots. No designer of parks has ever pretended to imitate either of these kinds of landscape, and no sensible person will criticise a park for the absence or presence of either. It is the calling and duty of the conscientious landscape architect to devise ways of arranging land and its accompanying landscape so that whatever the particular purpose in view may be, the result shall be as thoroughly convenient and at the same time as thoroughly beautiful as possible. This is the problem which presents itself in countless forms — in the smallest suburban lot and the finest country-seat, the new seaside pleasure resort and the new factory town, the public schoolboys' playground and the ornate city square. The country park of a great city presents this universal problem in one of its most difficult

phases. Such a park is a tract of land dedicated to a particular purpose, namely, the refreshment of the bodies and souls of great numbers of people. In arranging land and landscape with this purpose in view, it is undoubtedly desirable to follow as far as possible the dictates of poetic and artistic feeling for breadth of composition and picturesqueness of detail. On the other hand, it is a law of nature which must not be forgotten, that satisfying beauty springs from fitness or adaptation to purpose much more surely and directly than from added ornament or the most careful imitation. At all events, it is in this faith that the undersigned have worked for years upon the plans and designs of the Boston parks, with what measure of success only time can determine."

So much for the ideas of prior Commissioners and of Frederick Law Olmsted, the designer of our parks.

Now let us see what the understanding of the present Commissioners has been with reference to the scenery in the parks. In the report for 1897–98, p. 3, they say that "The work of the present Board is to complete such parts of the parks as have been left unfinished, and to put the whole system into such condition as will call for the least annual expense for maintenance." As to details, they propose to avoid, as far as possible, the erection of buildings not absolutely necessary; and when buildings, bridges, etc., are required, to build them in such a manner that the cost of repairs will be as small as possible. For similar reasons they wish to dispense with all roads and paths not actually necessary. They believe that special attention should be devoted to the long-delayed planting of trees and the improvement of the standing woods. They hope to make a beginning towards restoring the old woods to a natural condition by gradually removing the tree weeds which have interfered with the growth of the native trees and undergrowth, and other trees which are in themselves diseased or the presence of which interferes with the growth of more healthy and vigorous neighbors. In future plantations they propose to use the trees and shrubs native to Massachusetts. They say that in Franklin Park especially natural woods, glades, and meadows, which should be its essential features, can be produced, so far as it is possible for art to reproduce nature, by employing only such plants as nature herself, undisturbed by man, uses in this part of the country.

In the same report the Superintendent says on page 28 that one of the main considerations is to so construct or improve as to entail the least possible cost for maintenance. Landscape effects should be simple, the planting should be of a

character that needs the least care, walks and roads built only where necessary, and buildings erected only of substantial materials and simple design.

In the report for 1899-1900, the Commissioners say: "It may be well to state again briefly the motives which have actuated the Commission in the construction and improvement of the parks in its charge. The desire and aim of the Commission is, first, to make the parks as valuable as possible to the whole community, and not to any special class; and, second, so to construct and finish them that the cost of maintenance, which in any case will be large, can be reduced to the smallest possible limit. The Commission believes that the greatest enjoyment by the greatest number of persons will be obtained by retaining, as far as it is practicable to do so, a natural and rural character to our parks, especially in the larger parks, like Leverett, Jamaica and Franklin. Such parks are valuable in proportion as they are capable of bringing the country into the city, and in furnishing to the crowded dwellers of the tenement districts an opportunity, unobtainable for them in any other way, to enjoy real rural and sylvan sights."

In the documents I have referred to the fullest information is contained, not only regarding what was done and what was intended to be done in the Boston parks, but concerning the general theory of public parks, their construction, maintenance and management. In fact, the twenty-five annual reports of the Park Department of the City of Boston, together with the "Notes on Franklin Park," constitute an epitome of the art of landscape gardening as applied to public plantations in this country.

All this information was accessible to the public, but none of our critics seem to have sought it.

You can find in the official reports of the Park Department not only the whole history of our parks, but the whole theory, according to which they have been planned and built, and are to be maintained; and having read them, Mr. Chairman, and having then inspected the parks by personal visit, it is impossible for any sensible and fair-minded man to escape the conclusion that the Boston parks have been built according to their original design, and that that design is, in the main and, on the whole, notwithstanding some few trivial defects, the best design for a comprehensive system of popular parks anywhere to be found.

It must also be apparent to every one who looks at the parks from the standpoint of a visitor and not from that of an abutter, as also to every abutter who does not think that

the parks should be planted solely with reference to the views from his own house, that it has been the constant and undeviating aim of our successive Park Commissioners since 1875, and of both Mr. Olmsted and Mr. Sargent, to remove the artificial features which had been introduced by the private owners of the estates incorporated in the parks, to preserve as many as possible of the natuaral features, and to bring about as rapidly as possible a return to such conditions as will permit nature then visible to reassert itself and to reproduce the scenes which are really typical of our beautiful New England woods.

Let us now see what our critics have to say about the cutting of trees.

They bring up, in the first place, the so-called "wilderness," or "natural woods" in Franklin Park, which are not natural woods at all, — and they say that trees have been cut out. We couldn't find much evidence of it when we went there the other day and looked at the hill back of Mr. Dole's house, which he said had been made as bald as his head. We couldn't see anything but trees; it did not look as though any trees had been cut out. If there have been, undoubtedly the canopy is as large to-day as ever; because that is the usual result of proper thinning.

But let us see what the evidence is as to trees being cut out. Mr. Fischer said that he cut down two hundred trees at Franklin Park in 1898, and not so many in 1899. Mr. Knuepfer said four or five hundred were taken out of one hundred acres of woods. In other words, there has been no thinning to speak of in the woods of Franklin Park. It is all a mistake. There should have been thinning. Mr. Olmsted was constantly calling attention to the necessity for thinning; but for reasons which you will find set forth in the communications of Mr. Olmsted and his firm to the Park Commissioners this work was not done.

The necessity for it was always borne in mind by him as appears from the extracts from "Notes on Franklin Park" and his other reports to the Park Commissioners which I have already referred to.

In Exhibit 133, which is a long letter from Olmsted, Olmsted & Eliot to the Park Commissioners, dated January 4, 1897, the landscape architects write that "the original trees and woods have received little or no attention owing to the failure to appropriate enough money for maintenance" and that "a much desirable treatment of the original woods has

been too long postponed." They recommend that the thinning of the woods be considered as part of the construction of the park, and the cost of it be met from the moneys available for construction. It appears plainly from this letter and also from Exhibit 134 that the reason why this work was not sooner done was because of the "increasing inability" of the landscape gardener then employed by the department to keep in mind the instructions of the landscape architects with respect to the care of the woods and plantations. It appears from this correspondence and from the oral evidence in the case that Mr. Fischer, who had doubtless been a competent gardener in his day, was in his later years not capable or desirous of carrying out the ideas of the architects; and that accordingly, at their suggestion, his resignation was first requested, and that not being forthcoming, his office was abolished.

You will remember that Mr. Pettigrew's arrival in Boston as Superintendent was welcomed by Mr. John Olmsted — see Exhibit 104 on p. 1275; and you will see from the correspondence, exhibits 133, 134 and 135 that the main reason was that the Olmsteds felt that with a competent superintendent the work of thinning out the woods which had been so long neglected would at last be attended to.

In the annual report of the Commission for 1897–98, the Commissioners say that "A beginning has been made toward restoring the old woods in the different parks to a natural condition by gradually removing from them tree weeds which, escaping from neighboring gardens and springing up often in great quantities, have prevented the growth of native trees and the undergrowth essential to their welfare, and have spoiled the beauty and naturalness of the park woods; and many trees, most of which were dead, dying or diseased, have been removed, in order to allow the development of their more healthy and vigorous neighbors. The good results of this work can be seen already, and will grow more apparent as time goes on. In Franklin Park the blending together into one harmonious natural picture of an aggregation of large and small country places and farms, each planted independently, has made it necessary to cut many trees along old boundary lines."

The Superintendent in his first report to the Commissioners printed in the annual report for 1897–98 on page 9 makes the following statement regarding this subject.

"The current year commenced with tree thinning in the woods and plantations of Franklin Park. This is one of the important operations in park making; sound, healthy trees

cannot be grown under crowded conditions, the side branches are killed for want of light and air, and nothing is left but the top branches, each struggling to overcome the other in search of light. While it is not necessary, or even desirable, in woodland to have each tree a perfect specimen, yet each may retain in some measure its individuality or characteristic beauty, without impairment of naturalness in massing for woodland effects.

"The careful and intelligent thinning out of such woodlands produces better conditions for tree growth; the branches spread out, the boles, under the influence of more light and air, gradually put forth branches, while ground cover, undergrowth, and saplings for the same reason begin to grow below. In this work care is taken to retain and emphasize, in the direction indicated, any natural or pleasing features already existing in and at the same time to bear in mind the difficulty of policing dense tangles of wood growth.

"On the sites of old residences, and on fence lines within the park, considerable cutting had to be done, to thin out the neglected tangle of former plantations of trees and shrubs of foreign origin, which, from their position, character, or condition, could not be blended into a harmonious connection with their surroundings."

In the report for 1898–99 the Superintendent says in speaking of the thinning out of overcrowded trees that "the beneficial results of this work of the past three winters is now quite evident in the great improvement in the health and growth of the remaining trees; the increase of underwood encouraged by the admission of light has heightened the natural effect, relieving the woods in a measure from the monotonous appearance where trees are allowed to grow thickly together to their natural destruction, and the destruction also of the undergrowth, the varied forms of which add so much that is charming in woodland scenery."

You will see from these extracts, which might be multiplied if I had time, that the present Commissioners and Superintendent have simply been carrying out the original plan of the landscape architects, the execution of which had been so long postponed.

You have heard the oral evidence in this case that such annual thinnings as were always contemplated by Mr. Olmsted and which are being executed under Mr. Pettigrew are essential for the welfare of the trees. Evidence to this effect was given by Professor Sargent, Mr. Parsons, Mr. Pettigrew, and by every other witness except Dr. Barnes who professed to have any knowledge of the subject; and

even Mr. Dole and Mr. Enneking admitted that from the standpoint of the trees themselves the work of the Commissioners was justifiable. Dr. Barnes, however, and some of the critics stand out for *laissez-faire* in tree culture, and would never touch a living tree, unless it was dangerous to human life. But to every man his trade; to every profession its respective clients. If you were ill yourself you might consult Dr. Barnes; but if you were a sick tree, languishing for want of moisture, soil or light, you would go to Mr. Sargent or to Mr. Pettigrew. In either case you would go to those who know, not to those who do not.

Here again I will call your attention to the cross-sections of the trees which we had cut down in the Wilderness and at the Arboretum, being Exhibits 100, 101, and 117; which show more conclusively than any amount of expert testimony could the increased rapidity of growth due to the ability of a tree, particularly an oak, to secure plenty of light. You also had an opportunity to notice upon the view the great improvement effected in the woods at the Arboretum and on Mr. Sargent's own place in Brookline by the thinnings undertaken some fifteen years ago in the former case, and thirty to forty years ago in the latter.

No intelligent person who will give the slightest attention to the subject can fail to reach the conclusion that if the woods in Franklin Park had been vigorously thinned thirty or forty years ago the timber in them to-day would be twice or three times the size we now see, that the leafy canopy would be much more dense, that the condition of the trees would be much more healthy, and that the probability of their attaining a remote and beautiful old age would be infinitely greater.

At this point I will call your attention to a little pamphlet entitled "Observations on the Treatment of public Plantations more especially Relating to the use of the Axe," written in 1889 by Frederick Law Olmsted and J. B. Harrison, and introduced in evidence in this case as Exhibit 129. This paper contains extracts from forty or fifty recognized authorities both in this country and abroad as to the necessity for the judicious and constant use of the axe in the care of trees in order to accelerate their growth and to prevent disease and premature decay.

I will quote from only one of the authorities cited by Mr. Olmsted:

"Most trees are gregarious in extreme youth, from habit transmitted through many generations; they love company, and only thrive really when closely surrounded. Close plant-

ing is essential, therefore, to insure the best results. As the trees grow the weaker are pushed aside, and finally destroyed by the more vigorous, and the plantation is gradually thinned. This is the operation which is always going on in the forest when man does not intervene. It is a slow and expensive operation, however, and the result is attained by a vast expenditure of energy and of good material. The strongest trees come out victorious in the end, but they will bear the scars of the contest through life. The long, bare trunk, with a small and misshapen head — the only form of a mature tree found in the virgin forest — tells of years or of centuries of struggle, in which hundreds of weaker individuals may have perished, that one giant might survive. But man can intervene, and by judicious and systematic thinning help the strong to destroy the weak more quickly, and with a less expenditure of vital force. Thick planting is but following the rule of nature, and thinning is only helping nature do what she does herself too slowly, and therefore too expensively. This is why trees in a plantation intended for ornament, like those in a park or pleasure ground, should be planted thickly at first, and why they should then be systematically thinned from time to time; and it is because this systematic thinning is altogether neglected, or put off until the trees are ruined for any purpose of ornament, that it is so rare to find a really fine tree in any public place or private grounds." This was from Professor Sargent.

I will not take the time to read any more from the authorities quoted by Mr. Olmsted; but I will ask every member of this committee who has the slightest doubt as to whether Messrs. Barnes and Jeffery are right in this matter, or whether all the world upon the other side is right, to read that little pamphlet. It was written for the purpose of quelling an anti-tree cutting agitation something like that which is apparently perennial among a few of the abutters on Franklin Park. A movement of this sort was at that time running its course in New York City, such agitations are nothing unusual. They have broken out in Brooklyn, New York and other places, even in the city of London; and they are not a new thing in Boston.

The fact is that the people of New England have gone through two distinct and diametrically opposite stages of feeling upon the subject of trees.

The first stage began when our ancestors founded this country, and it lasted for about two hundred years. Our Puritan forefathers were no lovers of nature or respectors of trees. Their practice was, wherever they saw a tree, to cut

it down, and the result was that they swept away the forests and shaved the face of nature clean. It is only by accident that a tree or a grove or a portion of a grove of original growth survives in southern New England. This state of popular feeling lasted for two hundred years; and ended in an entire change in the aspect of the silvan scenery of New England, and in a very serious alteration in climate. When Governor Winthrop had been here a few years he wrote home that the climate in summer was as cool as in England. How is it to-day? Some ten degrees hotter on the average right straight through the summer, day and night. That very serious change of climate is probably due as much to the indiscriminate distruction of the forests as to any other single cause.

Now, however, we see a complete revolution in public opinion. The present idea instead of cutting down every tree in sight, is never to cut down any. The unreasonableness of that notion has already been discussed. It is amply illustrated by the evidence taken at these hearings, and is more adequately set forth than I could do it in Mr. Olmsted's pamphlet, Exhibit 129.

What do people who know about this subject say? What do people say who have studied it as a profession or as an art? Is there any difference of opinion among them? You cannot find two landscape architects, you cannot find two persons who have devoted themselves to arboriculture, who differ on this subject. They are all, without exception agreed. And, Mr. Chairman, when everybody connected with any branch of art or science is agreed, you can be very sure that there is some fundamental truth underlying that consensus of opinion.

There is, I think, a substantial agreement among all landscape architects — at least at the present time — as to what should be the general aim in the creation and treatment of public parks; but however this may be, there is a complete agreement as to the proper treatment of the trees themselves. However much the former question may be a matter of opinion and of taste, the latter is not. It is a question of scientific knowledge.

And there is no truth, Mr. Chairman, in the idea that there is any essential antagonism between the arboriculturist and the landscape architect. We have heard something about that in this case; but there is nothing in it. The permanent use and beauty of any park is in its trees and you cannot have fine park scenery without fine trees. All men, in all ages, who have considered the subject, from the time

of the Roman gardens to the present day are substantially agreed. There is no conflict between the methods of art, properly applied, and the processes of nature, properly understood. As Mr. Olmsted puts it in the Report for 1888, page 51, "The best results of the best, most difficult and most costly operations are likely to be accepted by the public as the results of Nature's work." Or, to quote from one, who perhaps had as fine a sense of the beautiful in Nature as Mr. Dole,

"The art itself is nature."

as was said by Shakespere in speaking of a garden and what he saw there.

But then our critics say: "Suppose there is no conflict of opinion; admit that you are right; assume that this thinning is the best thing for the trees as individual trees, why do it after all? The trees are simply suffering, as everything else in nature must, from the struggle for existence. Why seek to interfere? Why not leave the whole thing to Nature? Why not leave the trees to fight it out themselves?"

Mr. Chairman, there might be some force in that argument if the trees were really growing in a state of nature in our parks to-day; but I hope I have convinced you that they are not. The original trees are gone. They are now replaced by different kinds, unsuited to the soil. The soil itself has largely disappeared, and further unnatural and unfriendly conditions have intervened, so that the problem does not present itself as these gentlemen would have it. If the trees are left to themselves under present conditions it is not impossible, of course, that after the lapse of ages the soil will be replenished from the falling leaves and the further disintegration of the rock, and that the trees best suited to the soil will appear again, and people will again see the forests of their ancestors, or something like them. But how long will it be before that result occurs? The processes of nature are slow. She has all time before her, and to her a thousand years are as a day. But a thousand years will cover only three generations of oak trees.

Is there nothing that man can do to assist, if not to revolutionize, the processes of nature? We cannot by artificial means change these processes, but we can control their action and modify their product. We can prevent disease and stop the progress of decay. We can increase the quantity of soil and enrich its quality; we can mitigate the struggle for existence by doing with the axe what nature does with accident and disease. By constant thinning we can give the remaining trees a better chance to live and thrive, and by

improving the condition of soil, we can induce a far larger growth and a far greater rapidity of growth. Man can, and does, in every country in continental Europe, under favorable conditions, create — or, rather, assist nature in creating — forests of primeval grandeur, in about one hundred or one hundred and twenty years, while unaided nature would, after it got a start, take three or four times as long, and if the right kind of trees did not spring up at the outset, much longer still.

So, by taking advantage of the conditions that prevail here, we can assist nature to produce reasonably fine trees in, say, fifty years, whereas, if left to nature's unaided efforts, that result might not be accomplished in twenty centuries.

Which do you prefer? To let things alone, as Mr. Dole and Mr. Enneking would have you do, or to follow the lead of nature, accelerating her processes, helping the good trees to survive and flourish, so that you or your descendants can have beautiful and useful parks perhaps a thousand years before you could otherwise enjoy them?

That is the issue. So far as there is any honest issue between these critics and ourselves, that is it; and I leave the question to you upon this argument and the evidence in the case.

So much for the older plantations, contained principally in Franklin Park.

Before passing from this park, however, I ought to refer to the setting out of so many exotic trees and shrubs in various portions of this park while Mr. Fischer had charge of the planting. His work in this particular was in direct violation of Mr. Olmsted's opinions and instructions, as sufficiently appears in the extracts from his various reports to the department which I have just read. Further evidence as to the original design for the plantations in Franklin Park is to be found in Exhibit 134, the letter from Messrs. Olmsted, Olmsted & Elliott to Mr. Pettigrew, of February 24, 1897, in which, at p. 1,468 of the evidence, the landscape architects state that the plants set out were to have been such as were native to this region; but they add that they have unfortunately not been entirely successful in securing the execution of this plan, and that "a revision of the planting" is "of pressing importance." On p. 1,463 they refer to Mr. Fischer's "leaning towards garden varieties," and to his "increasing inability to keep in mind the character of the simpler planting required by the designs."

It appears from these reports and correspondence, and from the oral evidence in the case, that Mr. Fischer in his

later years insisted upon the introduction of Japanese retinosporas, Irish yews, and other exotics which have not proved hardy in this climate, and the presence of which was obnoxious to the fundamental scheme for Franklin Park, which, according to the ideas of both Mr. Olmsted and Mr. Sargent, was to be a strictly rural park, typical of New England woodland scenery. When Mr. Pettigrew arrived, and his attention was called to the matter by the Olmsteds, he proceeded to remove the more objectionable exotics which had been planted in the open portions of the park. The matter is referred to in the Superintendent's report to the Commissioners printed in the annual report for 1898–99, where, on p. 6, he says that "in carrying out the design of your Board to preserve and accentuate the New England woodland character of Franklin Park it became necessary to remove quantities of exotic trees and shrubs which did not blend harmoniously with the native plants."

You must have noted with some curiosity as the testimony went in that while all the critics were agreed that none of these exotics should have been removed notwithstanding that they were out of harmony with the main design and purpose of the park and were not in a state of health and vigor, they were not agreed among themselves as to whether these trees should have been planted in the first instance. Some of them thought that the trees were all "valuable"; one witness putting the value of Japanese Retinosporas as high as fifty dollars a piece, and adding that he considered everything a "native" tree which could be grown in the nursery. Others like Mr. Dole, with more intelligence, deprecated the original planting of exotic trees and shrubs; but thought that once being there they should have been permitted to remain. It would seem as if all these gentlemen were singularly lacking, not only in the capacity to appreciate what is appropriate in a place like Franklin Park, but in the ability to comprehend that no tree can be beautiful anywhere if under the influences of a foreign climate it is likely to wither and die long before its normal period of maturity.

Passing now to the Fens, we find two witnesses objecting to the cutting down of certain line or border trees, and they assume — and refuse to be convinced to the contrary — that those trees were cut down, not because they were poor trees, but because they were good ones! Yet there are, as they admit, good border trees on the east side of the Fens in the shape of Norway maples, planted under Mr. Olmsted, which are there to-day. Those planted while he was in charge of the department, and which have been removed, were on the

west and south sides of the park. Why were the Norway maples not removed from the east side, if it was the purpose of the Park Department to remove good trees? There is no use in wasting time on such opinions as these. No conceivable human motive can be assigned to the Commissioners, their landscape adviser or Superintendent for doing what these witnesses think, or profess to think, was done. Of course, the fact is, as testified to by Mr. Pettigrew and Mr. Sargent, that the trees on the south and west sides were poor trees, or trees unsuited to the conditions prevailing there, and were doing so badly that it was necessary to remove them. So far back as 1893 we find Mr. Olmsted himself regretting that "some of the roadside trees have not been found of good form and some have been planted that are not yet satisfactory." See Exhibit 130. That is why these trees were removed; whereas good trees grown under different conditions, such as were to be seen in vigorous and healthy growth on the east side of the Fens, were left where you see them to-day.

You will also find a full explanation of this matter of the line trees in the report for 1898–99 on page 20, and in the report for 1899–1900 on page 9.

The shrubbery plantations in the Fens have been the subject of a great deal of criticism, directed, however, not so much to the condition of them when Mr. Pettigrew was appointed superintendent in 1897 as to the cutting and thinning undertaken since. As the present condition of these plantations is extremely unsatisfactory, and as it is important to understand the exact reasons for this condition of affairs, I shall be obliged to quote quite freely from the reports of the department and the evidence in the case.

The original theory of these plantations is explained by Mr. Olmsted himself in the report for 1884 on p. 15, as follows: "The ground has been planted with a density which would be excessive were the conditions not extraordinarily bleak. It has been planted also with an excessive variety and in parts not harmoniously, with the expectation of thinning out a part of the plants when they shall have served their purpose of nurses, and in the meantime of determining experimentally whether certain of them can be depended upon to grow satisfactorily under the extreme exposure of the situation. . . . The situation is an extremely trying one, and until buildings shall break the force of the wind from the northwest hardly any trees can be expected to grow in it without acquiring stunted and distorted habits."

It was, of course, the intention, as appears from the evidence in the case, and as may also be deduced from the universally accepted theories of planting, that these shrubbery beds should be thinned from year to year as rapidly as the plants began to interfere with each other; but for various reasons, partly perhaps because the importance of the subject was not fully comprehended by the Commissioners, and partly also owing to the difficulty in getting the superintendent of planting, Mr. Fischer, to understand this part of his duties, this necessary work was omitted. We accordingly find Messrs. Olmsted, Olmsted & Eliot complaining to the Commissioners under date of November 21, 1896, Exhibit 132, that "the older plantations of the parks stand in need of prompt revision for the sake of saving the plants intended to be permanent." Again in this letter of January 4, 1897, Exhibit 133, they refer to the fact that the shrubberies have been "sadly neglected," to the fact that the "vegetation is not in all details what it was designed to be, because it has not been properly thinned and readjusted from time to time," and take advantage of the recent appointment of a superintendent to express the hope — see page 1463 of the evidence — that he will "attend first to the rescue and readjustment of the plantations of the Fens. These plantations were rightly planted very thickly both for immediate effect and because of the exposure of the place to the winds. Viewed from the water and from many of the paths the resulting effects are generally pleasing, but radical thinning has for some time been needed for the encouragement of the long lived and finer sorts of trees and plants which are choked by the quick growing species of less permanent value." Again under date of February 24, 1897, in a letter directed to Mr. Pettigrew, Exhibit 134, they say that in many places shrubbery has been planted "which is of a nature to grow too tall. This should now be extensively removed and much lower growing sorts of shrubs substituted. As a general rule we would prefer to greatly reduce the number of exotic trees in the Fens, though we have no objection to the extensive use of such foreign shrubs and perennials as may reasonably be supposed to escape from surrounding gardens. This, however, has already been done to an excessive extent and in remodelling plantations it would be best to use merely native shrubs, vines, and perennials."

The quotations that I have just read to you have special reference to the plantations at the Fens; but there was nothing peculiar in the way in which these shrubbery beds were

originally set out, except the excessive use of exotics and herbaceous plants. Otherwise they were planted thickly, as is the invariable custom, with the expectation of thinning quickly and repeatedly, as is also the invariable custom with everybody who knows anything about planting. The general theory of planting has not only been explained to you orally by the witnesses in the case, Messrs. Sargent, Parsons, Pettigrew, Hannon, W. E. Fischer and others, but you will find it discussed in the official publications of the Department. See the notes on Franklin Park, pp. 53 and 65, Report for 1897–8, pp. 3 and 15, Report for 1898–9, page 8, and Report for 1899–1900, pp. 4 and 8. The matter is also exhaustively treated and the authorities collected in Mr. Olmsted's pamphlet on the Treatment of Public Plantations, Exhibit 129.

Now as to the condition of the plantations at the Fens in 1897. The failure of the Commissioners and their subordinates to have these plantations properly cared for by annual thinnings had resulted in practical ruin. This is abundantly shown by the evidence in the case, and can be demonstrated to-day to the satisfaction of any reasonable man who will take the trouble to walk through the Fens in company with one who understands the original purpose of the plantations, and the appearance which they would have presented to-day if they had been properly cared for. The committee, on its view, must have noticed the great difference between the appearance of the shrubbery beds in the Fens and those along the Riverway, particularly on the Brookline side; and their attention was particularly called to a portion of the Fens' plantations which have purposely been left as they were in 1897, as an illustration or specimen of the condition of the whole at that time. I refer, as you will remember, to the shrubbery beds at the northeast corner of the Westland avenue entrance to the Fenway.

This was the condition of things when Mr. Pettigrew took charge of matters in 1897. It was then too late to restore the plantations by thinning to that state of beauty which they would have exhibited had the thinning been undertaken earlier and had it been prosecuted as it should have been from year to year. In the opinion of Messrs. Pettigrew and Sargent what should have been done in 1897 was to cut the plantations boldly down, leaving only the few good trees which you can find there to-day. They are extremely few and far between. But this remedy was deemed too radical by the Commissioners, and a middle course was adopted. Some of the shrubs and trees were cut out; others were cut back;

and a good deal of replanting was done. The result of these operations, however, must have impressed you when we were on the view as extremely unsatisfactory, particularly as we approached the plantations in the Fens after having driven through the really beautiful shrubbery along the Riverway and in the Arboretum. It cannot be said that the operations of the Department at the Fens during the past three years have been a success; and I think every one will admit that if a bolder course had been pursued three years ago, and the entire park replanted, its appearance to-day would be infinitely better than it is. Perhaps that course may have to be adopted yet.

I do not see, however, how you can fairly blame the Commissioners for not having swept away the plantations at the Fens in 1897, in view of the mountain of unintelligent but influential criticism which has been piled up over the relatively insignificant amount of thinning which was actually undertaken.

Elsewhere along the Parkway — as also in the Fens — trees originally planted to serve the purpose of nurses, such as Norway spruces, willows, poplars, etc., have been taken out, much to the dissatisfaction of those witnesses who do not know what a nurse tree is and who assume that every plant that is once set into the ground is intended to stay there forever. The most extensive removal of Norway spruces, which you will remember after reaching the age of 40 or 50 years cease to thrive in this climate, took place at Pine Bank on the border of Jamaica Pond, and this is one of the things which the present administration is said to have done in derogation of Mr. Olmsted's views. If you will turn to p. 1466 of the evidence you will see, however, that Olmsted, Olmsted & Eliot in their letter to Mr. Pettigrew of February 24, 1897, specifically recommend the removal of these particular spruces.

The whole question of the correct treatment of the shrubbery beds need not rest, so far as your determination goes, upon the expert testimony in this case, although that is all on one side and ought to be conclusive by itself; but you have what to my mind as a layman is more conclusive still. You have the opportunity to satisfy yourself by ocular inspection of the way to produce fine shrubbery plantations, and of the way to secure poor ones. We have beautiful examples of shrubbery, native in kind, vigorous in growth, and inexpensive to maintain, in the Arboretum, in some portions of Franklin Park, and along the Riverway, particularly on the Brookline side and in those parts recently replanted by Mr.

Pettigrew. We have also the terrible example of the state of ruin into which a plantation, the thinning of which has been neglected, will fall at the Westland avenue entrance to the Fens, and in fact generally throughout that park. You have only to look upon one picture and then upon the other, and make your decision accordingly, whether the views of Mr. Olmsted, Mr. Sargent, Mr. Pettigrew and everybody else who knows anything about the subject are to prevail in the management of our parks, or whether the plantations are to be ruined by following the opinions of those who like Dr. Barnes know nothing about the subject and whose only apparent purpose is to make trouble for those who do.

I have now covered the objections of the critics to the landscape work of the Department; but I have not finished with the critics themselves.

There are in all fourteen critics of the Department in its landscape and arboricultural work. Seven of them are discharged or suspended employees; three of them are abutters; three of them are friends of abutters, and the fourteenth is a professional municipal critic.

We have, in the first place, Mr. Jeffery. I don't want to say much against the employees of the Department. This one, according to the evidence, would not have remained in it up to the present time, owing to incompetency and complaints, if he had not been supposed to be a veteran. But I cannot let him go, when I recall the testimony he gave. Just think of this for expert testimony, Mr. Chairman: He admitted that he knew nothing of tree culture, that he was not an expert, that he had no experience in nursery work, and that he had never heard of a nurse tree. When I asked him about nurse trees he said he didn't think it was natural for a pine tree to nurse anything but weeds. He had never heard of loam as a desirable thing for trees to grow in. But notwithstanding this lack of knowledge, he was seriously asked to give his opinion about the thinning of trees and shrubs, and did not hesitate to give it. It was to the effect that the Park Commissioners and Mr. Sargent had advised the placing and spreading of loam around the trees for the purpose of killing them! He was the first witness produced by the opposition, but his testimony is no worse than that of the rest.

Then we have the testimony of Mr. MacCallum, another suspended foreman. He admitted that he was not an expert, and that he didn't know anything about the trees; but he criticised the Department for the use of loam about them.

Then there was Mr. Kane, a suspended laborer, the man who got into such trouble over the granite at Ward's Pond. He admitted that he didn't know anything about planting; but he was asked for his opinion about "landscape beauty," and said that he saw no reason for the use of loam except to give "lots of work to contractors."

Mr. Almeida, a suspended assistant engineer, although he admitted that he knew nothing about the subject, yet considered himself an expert because he thought he was "artistic in his temperament and tendencies." He said, in answer to a question, that he thought the waterfall bridge "looked very natural." That is the bridge to which I called attention, as having been so severely criticised at the time it was built.

Then we have Mr. Knuepfer, who was discharged from the Department for incompetency. He said he was engaged in nursery work, but he knew so little of the subject that he testified, in answer to my question, that a "native" tree is anything that will grow in a nursery. That was one of his ideas. Another was that the Japanese Retinosporas that were taken out of the parks were worth fifty dollars apiece. These trees are expensive to buy, but after you have had them a few years you cannot get anything for them, because they are not worth anything. They were taken out of Franklin Park because not hardy in our climate.

Then listen to this. On page 679 Knuepfer was cutting down by himself more trees than ten men could plant in a year in Franklin Park. That would be from 25,000 to 50,000 trees; but twenty minutes later, on page 682, the number had been reduced to 400 or 500. Here is a man who came before this committee as a witness, who, if he had not been subjected to cross-examination, would have left you with the impression that he alone did as much damage to the woods of Franklin Park as ten men could replace in a year. And what did he really mean? Only that he had cut out 400 or 500 trees in a hundred acres.

Fee was another suspended laborer, who doesn't know any more about trees than these other witnesses. He doesn't know anything about nurse trees, or the value of any single tree; but he does not hesitate to say that all the trees cut down were very valuable ones. How a man can attain that quality of knowledge which enables him to testify to the value of trees in the aggregate, although he cannot qualify as to the value of any single specimen, is something which, from my experience with witnesses, I was not able to understand.

The last of the employees was Mr. W. E. Fischer, son of the former superintendent of planting, who is still in the Department, and appears to be a competent man in his line of work. He naturally felt obliged to defend his father's style of planting, but admitted that he had no technical knowledge of tree culture.

We now come to the seven critics not connected with the Department. They are the most peculiar set of thinkers I ever encountered. When Mr. Olmsted was writing his pamphlet to save the trees in Central Park from the ruinous ideas of the anti-tree cutters of that city, he thought it necessary to assume that "no sensible man will deliberately maintain that a tree can never be wisely removed from a public plantation;" but in this case we are confronted with men — I do not say sensible, but of apparent education and means — who believe that neither trees nor shrubs which have been planted by men or are found growing by themselves should ever be cut out unless they are actually dangerous to passersby. Such opinions, if they be sincere, indicate to me a peculiar state of mind; and, with your permission, I propose to devote a few moments of my argument to an examination of the mental processes of these witnesses as disclosed by their evidence in this case.

First and foremost we have Mr. Nathan Haskell Dole, who described himself as a "literarian" endowed with the "untutored eye of one who loves nature," and proceeded in a style compounded of metaphor, poetry and flippancy to denounce the entire work of the Boston Park Department, particularly that for which Mr. Olmsted was responsible. He considered that Franklin Park, when it was taken by the Commissioners, was in a state of "semi-nature," and that the woods opposite his house were "natural woods" because "they came up naturally." He criticised the wall which Mr. Olmsted had built on Glen road as a "scar across the bosom of Venus." He complained that the hill back of his house had by reason of recent thinnings become as bald as his head and he added that baldness was not an ideal state for either man or hill. Now, when we were on the view and drove by Mr. Dole's house we found on looking up that that part of the park was apparently as well wooded as any other. There was no bald hill in sight there; and if my head continues to be as well covered with hair as that hill is with trees I will call my account with nature square in that regard. Mr. Dole's opinion as to the trouble with Jamaica Pond was equally inconsistent with the facts; for he maintained that the water level had actually risen since

the walks and walls were built in 1894. He makes the singular mistake of assuming that whereas Mr. Olmsted had in Central Park, New York, made a natural scene out of artificial surroundings, he had in Franklin Park gone out of his way to introduce unnatural and artificial work. Of course as every one knows who is familiar with both places Franklin Park presents on the whole a far closer approximation to natural scenery than Central Park with its gingerbread bridges, its cast-iron railings, its atrocious sculpture, and its asphalt walks. Mr. Dole objects to tall, symmetrical, or well formed trees; and prefers the stunted and decaying growth which now covers the hill behind his house, which was the place, as you will remember, where we cut down the poor little oak tree introduced as Exhibit 100, which had taken eighty years to reach a diameter of 5½ inches.

The motive behind Mr. Dole's testimony, which otherwise I submit is incomprehensible as that of an intelligent man, is disclosed when you understand that he is an abutter on Franklin Park and as such objects to boundary walls and plantations, that he frankly regards Franklin Park as his "back yard," and that he believes that our park plantations should be managed for the sole benefit of "those who are living at the present time."

Mr. Bolles, another abutter, testified surreptitiously under cover of a voluminous correspondence with the Board of Park Commissioners, which you will find in Exhibit 139. He objects to border walls and plantations, and thinks they indicate a "radical change" from Mr. Olmsted's plans. He says his friends "all feel very sore" about the matter. Mr. Stratton very properly replies that the Commissioners regard the parks as made for the many who use them rather than for the few who live on their borders, to which Mr. Bolles answers that "in matters of this sort the views of the masses as a rule are of very little value."

Mr. Williams, another abutter, objects, of course, to boundary walls, and also to the cutting down of some Norway spruces immediately in sight of his house, and thinks that a great deal has been done to destroy the "symmetry and beauty" of the lands when they were originally taken for the park. These trees undoubtedly formed a pleasing feature of the landscape from the piazza of his house; but they would not have been pleasing long, they were not appropriate in the place, they were poor trees, and they have been taken out. If Mr. Williams will only have the patience to wait a few years he will have the pleasure of seeing a plantation take their places much more beautiful, healthy,

and appropriate than the one whose absence he regrets. Mr. Williams admires the "handsome bridge over the funeral drive" and "its selected stone of choice color." To the mind of Mr. Dole, however, as you will remember, this bridge is "of very inferior form" "inartistic in shape," and on the whole, the worst "of all the ugly bridges that ever were constructed." Thus do the critics disagree among themselves. Personally, I am inclined to side with Mr. Dole.

Having disposed of the abutters, I come now to the friends of the abutters. They are three in number, all living in the immediate neighborhood of the parks and looking at the questions involved from the same standpoint as Messrs. Dole, Williams and Bolles.

Mr. Barrows wants the privilege of entering the parks at all times at any point upon their circumference and therefore objects to boundary walls as "shutting the people out." He objects also to the shrubbery and other plantations along the borders of the parks because they prevent himself and others from looking in as they go by. He also thinks it was a grave mistake to remove the flag pole from Franklin Park where it served to "instill patriotism in the minds of the children."

Mr. Balcom thinks there are too many shrubs in the Fens and objects to walls and shrubbery in general. He says proudly "I am patriotic" because "familiar with the Stars and Stripes," and for this reason objects to the removal of the flag pole which was "a source of patriotism and inspiration to the children."

Neither Messrs. Barrows nor Balcom attempt to explain why the flag pole which was removed from Franklin Park to Franklin Field, because in its former position it had the effect of dwarfing the trees, cannot in the present situation be equally a source of inspiration to the children and a means of instilling patriotism in their minds.

When I was qualifying Mr. Sargent, upon whose advice the flag staff was removed, as an expert in landscape work, I ought perhaps to have asked what his qualifications or experience in patriotism were, and he might with truth have replied that he also was "familiar with the Stars and Stripes," having served his country for three years in the civil war. Mr. Sargent at least was no flag pole patriot, although at the present time he prefers the title of Professor to that of Major.

What do you think, Mr. Chairman, of men of presumable intelligence and repute urging that a little change in landscape work such as the removal of a flag pole from one part

of the park system to another indicates a lack of patriotic feeling? Is it anything but an attempt to hide their own ignorance of art and their selfishness of purpose behind the folds of the national flag?

Mr. Winslow delivered a tirade against the system under which our parks have been laid out and built; but the only specific things that he was able to point to as in his opinion fit subjects for criticism were the construction of the fish ponds at Leverett Park and the alteration in the shores at Jamaica Pond. Both of these works were, as you remember, carried out under Mr. Olmsted's directions and in accordance with his plans; and Mr. Sargent's connection with them was so confined in the one case to inducing Mr. Olmsted to abandon the Jamaica Pond walk along the westerly shore of the pond, and in the other case to filling up the ponds in accordance with Mr. Winslow's opinion and request But Mr. Winslow is not satisfied; and sees fit to come to this investigation to indulge in what was little better than a tirade of abuse against the Commissioners and Mr. Sargent. When he finds out that none of these gentlemen were responsible for the features he objects to, he is not abashed.

Let me read you a few extracts from his cross-examination on pages 909 and 910:

"Q. Do you know how those fish ponds happened to be built?

"A. No.

"Q. Did you ever inquire?

"A. No.

"Q. You have come here to testify against the Park Commissioners or Professor Sargent for the maintenance of these fish ponds without ever having made any attempt yourself to find out the origin of those ponds?

"A. I do.

"Q. Don't you think it would have been the proper thing for you to do first?

"A. I do not —

"Q. Did you think of looking at the printed annual reports of the Park Department?

"A. I don't know whether I looked at the reports or not.

"Q. Don't you know that the whole history of those fish ponds is in the reports?

"A. I do not.

"Q. You didn't look them up to find out?

"A. No, I did not.

"Q. You don't think it would have been the proper thing for you to do before criticising the Park Commissioners to

find out what their predecessors in office have said about the ponds?

"A. I do not think it would have anything to do with the question from my standpoint.

"Q. You don't care who were responsible for these ponds or why they were built?

"A. No, I do not.

"Q. You have simply come here to criticise?

"A. I have.

This complete indifference on the part of Mr. Winslow to the facts of the case and his intolerance of information on the subject is characteristic of the witnesses in the case; but none of them appear to be so extremely prejudiced as this one. There seems to have been something behind Mr. Winslow's testimony. I do not know what it is. The evidence does not disclose it; but, of course, there must have been something. Perhaps Mr. Sargent could inform you what it was.

We then have Mr. Enneking, the painter, who says that when the lands now comprising Franklin Park were bought for park purposes it was an "Eden of beauty" to artists, and thinks that it was then in a "state of nature." He says that the scenery in 1883 was the natural New England type of landscape. He exults that some of it is still left, which he calls "intensely typical of New England — these oaks and those ledges underneath them." Mr. Enneking has probably picked out the most unnatural feature of the landscape as it existed in 1883. There can be no question that the natural forest cover of the rocky ledges in the Wilderness to which he is referring were not oaks, but hemlocks and other species of coniferous growth. The oaks have come in since and are a relatively recent and unnatural product of artificial conditions. Even Mr. Dole knows this.

I have read somewhere a story by Frederic Remington, of a picture he had seen, an oil painting, called "The Forest Primaeval"; but there wasn't a forest in it or anything that resembled the primaeval. It was simply a representation of a second or third growth New England wood lot. I wondered, when I heard Mr. Enneking's testimony, whether he was the artist Mr. Remington had in mind.

Mr. Enneking then goes on to complain that artists no longer flock to Franklin Park and paint their pictures there. I am sorry that he did not accompany us upon the view; for if he had he would have seen several sketching parties scattered through the woods.

Mr. Enneking, however, was a witness wholly without prejudice, and intended to be extremely fair, and he closes

his testimony with a more emphatic approval of our parks as a whole than even Mr. Olmsted or Mr. Sargent would care to furnish. His words were these: "I have been all over Europe and have seen all the parks — to my mind to a great extent none of them, not even the forests of Fontainebleau, had any such beautiful features as we have in our parks in the city of Boston."

That statement of Mr. Enneking, is, I submit, a fair expression of the estimation in which our parks are universally held both among those specially interested in landscape art and by the people at large.

Lastly I come to Dr. Barnes, who first qualified as an expert on tree culture, but on cross-examination reduced his experience to that acquired in running a farm. It must have occurred to most of you that the main experience the New England farmer has had with trees is in cutting them down. Even a farmer would be apt to know, however, that the common red pine has two leaves to the bunch and not three, but Dr. Barnes is very confident that it has three. See pp. 1249 and 1250. He has confounded the red pine with the pitch pine, a mistake which may serve to illustrate his qualifications as an expert on trees. The main burden of Dr. Barnes' testimony is that anything more than a foot of loam is unnecessary for the growth of a tree, and that to spread it in larger quantities is a waste of public funds. I have already gone into this matter at considerable length and will not refer to it again except to call your attention to the cross-sections of trees, Exhibits 100, 101, 117, lying before you on the table which show the respective results of deep and shallow soil and by themselves are a sufficient refutation of his theory. None of the other critics agree with him in this contention except Mr. Jeffery who thinks that loam is used by the Park Commissioners to kill the trees, and Mr. Kane who said that its object was to furnish employment for contractors.

These critics, outside of Jeffery and his associates, are only seven in number out of 550,000 people. Not one of them is an expert, not one of them has any technical knowledge about either landscape art, nursery work, gardening or tree culture. No one qualified to speak has been produced to criticise the work of the Department, or of its superintendent or landscape architect. No such man could be found. The opinion everywhere entertained throughout this country of the Boston Park system is that expressed by Mr. Sargent and Mr. Enneking. People come to see the Boston parks and to admire them — not to criticise them.

And out of all the population of Boston, amounting at the present time to over half a million people, notwithstanding the great publicity that has been given to these hearings, notwithstanding the efforts of Mr. Jeffery and Mr. MacCallum to find persons to criticise anything, no matter how trivial it might be, only seven human beings unconnected with the Department have come to this investigation to criticize the work of the Commissioners.

They do not even agree among themselves. We have, for instance, the case of Dole *vs.* Williams, *in re* the Funeral bridge. Mr. Dole thinks the Funeral bridge an atrocity; Mr. Williams thinks it extremely beautiful. Then we have the case of Barnes *vs.* Barrows and Balcom. Dr. Barnes thinks that none of the trees and shrubs along the Fens and elsewhere should have been cut out. The defendants claim that they are altogether too numerous.

They all agree, however, in a dislike to informing themselves, either by personal inquiry or by reference to the annual reports of the Department or other public documents, as to what has been done, what is being done, and what is going to be done, or the reasons for it. All unite in opposition to any attempt to hasten the sometimes tedious processes of nature. They all exhibit an unseemly impatience. If there is a wall that is just built they want it taken down, although if they waited three years they would find it covered with vines. They all unite, also, in ignoring the fact, until informed of it, that nine-tenths, if not ninety-nine one hundredths, of the features they object to were the work of prior Commissioners and prior landscape architects.

They all agree in their estimate of public opinion. They are only seven out of half a million people; but they don't think much of the opinion of the other half million. Mr. Bolles' statement that "the views of the masses as a rule are of very little value" is characteristic of all these critics. They have no confidence in anybody's opinion but their own, and they have in particular an insolent contempt for the judgment of the masses.

But they are wrong, Mr. Chairman, here as elsewhere. They are wrong alike from the standpoint of art and the standpoint of truth. Individuals will differ, of course, in their opinions as to any matter of art; and it may well be that the judgment of the individual is at fault. It may be that the judgment of the majority of the people at any given time is wrong. But you can be absolutely certain of the truth of this proposition: That the judgment of the masses of the people in the long run, their sober, final judgment, is the

final truth, or at least as near to truth as we can get, and is the ultimate test of satisfactory work in every field of art. It is so in literature, painting, sculpture; it is so in landscape art. It is not the opinion of individuals that makes a painter great, or that sends the writings of a poet down to all posterity. It is the final judgment of the people.

The gentlemen are simply mistaken. They realize in their own hearts that they stand out alone, as abutters, against the interests of all the rest of the people of this city, and that is why in their correspondence with the Commissioners and unconsciously in their evidence they seek to throw discredit on the value of public opinion.

Now, Mr. Chairman, what is the judgment of the people upon our Boston parks? I must admit, of course, that it is too early to anticipate that last consensus of opinion which, as I have said, is the final and the only test of what is great in art. But these parks have been substantially completed for five years; they are the resort of thousands of women and children daily, as we saw last Tuesday; and tens of thousands throng every part of them on Sundays and holidays. Now, what is the opinion of those who use the parks? Ask your friends, Mr. Chairman, ask your neighbors, ask the people who go to the parks, and you will find but one answer. They will one and all unite with the expert evidence in this case in praise of the work of our landscape architects and our Commissioners and superintendent. That is the reason why our critics take the position they do. It is because they know that popular opinion is wholly with the Commissioners in these matters that they seek to discredit the voice of the people upon this subject.

I have quoted to you what Mr. Enneking said, I have told you what Mr. Sargent said, and you remember Mr. Parsons' testimony. I have read to you what Mr. Olmsted said in the last letter he ever wrote upon the subject. I will read to you now what the last Mayor of this city said in his inaugural for 1899:

"I believe that Boston stands pre-eminent among the cities, not only of this country, but of the world, in the wise liberality with which the work of park development has been supported, in the professional skill which has been applied to it, and in the single-minded devotion of successive boards of Park Commissioners to the conservation and the development of the important interests entrusted to their charge."

I have dwelt considerably upon the testimony of these critics, because that is all there is in this case, either from

the standpoint of criticism or the standpoint of importance. They claim to be lovers of nature, and some of them have sought to use the language of poetry in expressing their denunciation of the conduct of the present Park Commissioners. But the poetic instincts of Mr. Dole are in conflict with those of the poets who have gone before him and who have written what people continue to read. He does not like good trees. He objects to fine and healthy trees. But all the other poets with whose writings literature is filled, from Homer to Shakespeare, from Chaucer to Longfellow, have praised the "high towering oak," the cedar whose branches reach "to all the plains around," and other trees with "their foreheads in the skies," — in short, have sung the great, the beautiful, the noble in the field of sylvan nature. It remained for Mr. Dole, the "literarian," to invent the worship of the diseased, the decayed and the decrepit. To him a tree is only beautiful if, like those whose removal from the woods behind his house he so much regrets, it is stunted, sickly, prematurely old, and is found growing in a place where nature never intended it to be.

You remember the poet who admonished the woodman to "spare that tree;" but do you know why it was that he so expressed himself with reference to the operations of the Park Superintendent or other person to whom his prayer was addressed? The reason was that "in youth it sheltered me, and I'll protect it now." Do you suppose that any of those poor little trees which Mr. Dole is so much interested in were ever big enough to shelter him or anybody else in their youth?

Their mythology is equally at fault with their poetry. The groves of the gods were in the natural forest. They were not composed of exotic apple trees, stunted oaks and decaying foreign spruces.

Nor do these gentlemen invoke religion any more successfully than mythology. The garden of Eden would hardly have been a credit to its Maker if it had contained all the unnatural and repulsive features which in 1883 disfigured the landscape in Franklin Park. Mr. Enneking's testimony will never make anyone who remembers the condition of that section of the city in 1883 believe that it was then an "Eden of beauty." He, like so many others, has forgotten the changes effected in the unnatural scenery acquired by the city for this park, for

"Nowhere appears the art which all this wrought,"

and, rightly holding Franklin Park in its present state to be an Eden of beauty, he thinks it must have been so in 1883.

These gentlemen claim that they are lovers of nature, but they would starve a tree, giving it only loam enough to grow to be five and one-half inches in diameter and thirty-five feet in height in eighty years. They would cripple and deform the trees in the parks by overcrowding them. And yet they claim to be lovers of sylvan nature. Mr. Chairman, they deceive themselves. They are neither students of nature or lovers of trees.

Before I close this argument I would like, if the committee will bear with me five minutes longer, to endeavor to amuse them, as I have succeeded in amusing myself, by picturing in imagination, what Franklin Park would be like if these critics had their way. What should we see to-day in Franklin Park if some compliant City Government had been induced to hand over to them the management and control of those 550 acres? The reconstruction of the park according to their ideas was not so easy a thing to do as you might imagine, because when I came to consider their testimony I found that they did not agree among themselves. So I had to divide it into sections, assigning to each of these critics one.

Now for the result, taking Franklin Park as the field of application.

In the first place, I assigned to Mr. Dole the Wilderness, because that, as you know is his back yard. What sort of a place would the Wilderness be if Mr. Dole had laid it out and given it his fostering care? There would be no roads or walks in it, as the public have no rights there. There would be no good trees in it, because he would not give them a chance to grow. There would be no natural undergrowth — he prefers tree weeds, in the shape of gray birches and cherries. If all the trees could be diseased and decayed, so much the better — he rather likes it. Any way they would be crowded, stunted, decayed, poor, short-lived; for those are the qualities he likes in trees.

Dr. Barnes would have a section assigned to him where he could put in practice the knowledge of arboriculture acquired by him in his professional career as a physician and general municipal critic. What would he do with it? In the first place, he would plant a lot of street trees, taking particular pains to extract red maples from the swamp and to put them in the most uncongenial, gravelly soil he could discover. He might also take a lot of spindle-shaped sugar maples growing in the woods and try to develop them into fine roadside trees by tying them up to fourteen-foot poles. If he found any tree enjoying more than twelve inches of loam he would remove a part of the soil, because, according

to his theory, no tree can utilize more than twelve inches, and to allow it more is a waste of public property.

Mr. Balkam would be satisfied if he could set at regular intervals throughout Franklin Park, so that everybody could see them, a series of flag-staffs, high enough to dwarf all the neighboring trees, from the top of which the national emblem might float, so that the women and children picnicking below might not forget that they lived in the United States.

Mr. Williams would like a few more structures like the Funeral Bridge, carefully flanked by exotic spruces with their heads gone.

Mr. Enneking would seek to recreate a Garden of Eden in the part assigned to him, by restoring the roads, embankments, stone walls and other natural features of the aboriginal landscape, by decorating the same with some dozen to twenty houses and stables, by setting out European apple trees, and by cutting down the present wooded area about fifty per cent. Having undone everything that has been accomplished since 1883, and having restored the face of nature to its original complexion as of seventeen years ago, he would invite the gods to reside in it in preference to their present abode.

Mr. Bolles would be satisfied if all the park that can be seen from his house were opened up for his special benefit and treated as a part of his estate.

As for the rest of the critics, I think they would be content if all the border plantations were destroyed, so as to prevent anybody from imagining that he was in the country; if all the boundary walls were torn down; and if Scarborough Pond were drained, — because, you know, a pond without water is just as "artistic" as one filled to the brim.

A multiplicity of bridges should be introduced, to allow the public to cross from one side to the other of a waterless watercourse; and, to render the effect still more "natural," an artificial cascade might be built, over which this invisible stream would tumble in imperceptible falls.

Then, from this part of the park remove all of the loam recently spread, because its only purpose is to kill the trees.

Of course, gentlemen, this is a parody, but it is none the less a fair and truthful argument. There is not a word or an idea in it that is not taken *verbatim et literatim* from the testimony of these critics. I have used their very words; and this is exactly the sort of a park we should have if we gave heed to the opinions of these gentlemen. If the result seems to you absurd, it is simply because the theories of our critics are themselves ridiculous.

And now Mr. Chairman, I have finished my argument in this case with the exception of a few closing words. It must be apparent from the interest that the Park Commissioners have taken in this case that they fail completely to share the opinions so frequently expressed in the columns of the public press and elsewhere, that this investigation has been a failure and a farce. They felt, in the first place, that the charges made in respect to some of their subordinates were extremely serious and ought to be completely exploded. They felt, in the next place, that the whole question of the management of the parks was one which it was time to thresh out before some intelligent tribunal, representative of public opinion. They felt that there was an opportunity for this committee to do a great service to the people of Boston and their parks by passing authoritatively, as they might, upon the methods and theories adopted by the Commissioners and their predecessors in office, and by recommending such changes or modifications in administrative methods as the proper care of the parks in the future might seem to require.

The members of this Committee must have been impressed with the fact that a large part of the population of this city do not understand what they have in the way of public pleasure grounds. I noticed that only last night a member of the Common Council said in debate that, "most of us never have an opportunity to get into the parks." The statement is true. There is a large part of our population which knows about the parks, sees them, appreciates them, and admires them; but a large part, perhaps a large number, do not. What is the trouble? There must be something. You cannot but find that the Boston parks are, in the aggregate, the most beautiful, the best adapted, the most convenient, of any park system to be found in any large city in the world. What is the reason why they are not more frequented? What is the reason why the people of the city do not derive more pleasure from them? I commend that subject to your attentive consideration. It may be that you may be able to suggest some things for the further popularization of our parks.

Your attention may be directed to the means of access. I judge that the councilman from whom I have just now quoted had reference to the inadequacy of access. I remember that only five years age Columbus avenue was laid out, at great expense, for the purpose of furnishing a direct communication to Franklin Park. It was built to make a comparatively straight street — or at least a straighter connection than then existed — between the city proper and Boston's largest park. Has it been used for that purpose? I do not

know. I submit that question for your consideration. As you go about the parks, it may be that you will be convinced that in other respects the means of access to our parks are inadequate, and you may be able to suggest how they can be improved at reasonable expense.

Then, some of us in our earlier years have taken great interest in aquatic sports. When these parks were built, with their great extent of pond and river, we assumed that they would be frequented daily by people in boats, canoes, and other pleasure craft. When we went through the parks, did any of us see any persons on any of the water courses in the parks? I think not. What is the reason? There must be some explanation. It is not natural. It would not happen in any other city in the world. There is something wrong somewhere. I think that those of us who have been responsible for the past expenditure of money in our public parks, and those who are responsible for its continuance to-day owe to the public the duty of devising some scheme by which this expenditure can be more really useful to the masses of the people. Of course, we have not the large foreign population in this city which throngs New York and Chicago, and which abroad was accustomed to taking its pleasure in the parks. We have not a great German population for instance. But, on the other hand, our people are fond of the open air and are fond of sports to a far greater extent than the people of any portion of the German Empire.

Then, again, I have been struck — I don't know whether you have — with the necessity for larger and more adequate facilities for furnishing information to the public. I will not elaborate upon that point, but I think it must have occurred to you that it might be easy to provide a more adequate information bureau than now exists. The Commissioners have devoted an unusual amount of time to the duties of their position, and I think that the system of an unpaid board is by far the best that is possible for the administration of public parks. That opinion is not based on personal experience and belief alone, but on the experience of nearly all the other large cities in this country. But, being unsalaried officers, they cannot be expected to give their entire time to the public, either at the office of the Park Commission or at their own private business offices.

I would like, also, to say a word about the finances of the Department. The parks, Mr. Chairman, are substantially completed. When I say that, I do not mean the word to be taken in its literal sense. A public park, supported by taxation is never

literally completed. As long as the people want something in the way of construction and improvements, and are willing to pay for it, they will have it, and as long as people are liberal in making appropriations for construction and improvements, the parks will not be finished; but, having reference to the original plans, the parks are now approaching completion. They had cost $13,298,802 up to February 1, 1900, exclusive of playgrounds, and the net debt on account of them stands at over ten millions and a half. Having reached that condition when, according to the evidence in this case, a relatively small appropriation of $250,000 will complete them recording to the original design, as modified in 1898, you have then, Mr. Chairman, to confront a new problem — one which your predecessors in office have not had to deal with — and that is the problem of maintenance. We cannot go on forever with construction work. This $250,000 is only half what the Department has been spending during each of the past few years for construction, apart from land damages. The total expenditure in the past three years for construction alone has been $1,453,920, an average of $484,640 a year. Now, if you give the Park Department only $250,000 for construction, which is what they have suggested, you will finish the parks in a sense, but you will not be able to continue the employment of the present force of laborers. You will not be able to continue in the employment of the Department the number of laborers who were on the pay roll before the suspension of last February took place. The Department carries nearly 500 men, or has the past year or two, and it has had $500,000 to do it with. If you cut the appropriation down to $250,000 for construction, you reduce the number of men which the Department can keep constantly at work to a figure which I am informed is substantially that of the number now at work. You understand that some of the suspended men have been put back at planting, and will stay at work until the planting money is gone, but that there are something like 160 or 170 men still on the suspended list. I am informed — and I make the statement, so that there shall be no misunderstanding on the subject — that even if this loan of $250,000 is granted, it will not enable the Department to do more than carry the force now employed through the remainder of the fiscal year. It will not enable them to replace any of the 160 or 170 men still on the suspended list. To put these 160 or 170 men back to work, making proper allowances

for the materials necessary in connection with their work, would require $150,000 more. That means $400,000 for construction, or improvements, whichever you may term it, besides the maintenance appropriation of $150,000. You can figure it this way, Mr. Chairman — and perhaps this will furnish an easy means of carrying it in mind. Every $100,000 means about 125 laborers, besides the special employees, such as carpenters and other mechanics, and the necessary expenditure for supplies to enable them to have materials to work with. I suppose the committee knows that the men who were suspended in February and have just been put back to work, have been working simply at planting; that they are being paid out of a small appropriation for that purpose, which is almost exhausted; and, that when that is exhausted, they will have to be suspended again.

Now ought not the Boston parks to have a larger appropriation for maintenance? Some interesting figures have been furnished by Mr. Pettigrew in one of his communications to the Park Commissioners, which has gone in with the evidence in this case, and has been marked Exhibit 140. That communication shows that the Boston parks have an area of 1,725 acres, in round numbers. The maintenance appropriation asked for was $183,000. All they got was about $150,000; and even if they should get this $250,000 for construction it would only make $400,000 all told. Now let us see what they allow in other cities of this country. In Brooklyn, which has 889 acres in completed parks, there was $399,000 allowed for maintenance, and $200,000 for construction or improvements, a total of $599,000 for maintenance and improvements — not construction. The Brooklyn parks are substantially in the condition that ours are. The main work of construction has been done, but the opportunity for improvement remains. The West Chicago park has 746 acres, and for the care of that park $360,000 is appropriated for maintenance, and $110,000 for improvements, making a total of $470,000. In the Chicago South Parks there are 1,498 acres, and for those parks Chicago appropriated $357,000 for maintenance, and $357,000 for improvements, or a total of $714,000. Lincoln park, Chicago, contains 350 acres. For that park $185,000 was allowed for maintenance, and $45,000 for improvements, making a total of $230,000. The Buffalo parks contain 950 acres, and they are allowed a total appropriation for improvement and maintenance of $304,714.12.

Now, those figures must satisfy you that the Boston parks, now that they are completed, need a much larger annual

appropriation for maintenance than $150,000. I commend this subject to the attention of the committee, to be considsidered by them with reference to the evidence that has been put into the case.

Now, Mr. Chairman, I might continue longer and bring to your attention a good many more points in the evidence, but I have trespassed upon your time for over four hours, and I will therefore close at this point with the sentiment with which I opened my address. I desire to express for the Commissioners, my clients, for their superintendent and other subordinates as also for myself, our appreciation of the courtesy with which we have uniformly been treated by the committee and its counsel, and for the patience with which you have listened to this long argument.

The CHAIRMAN. — The committee will now take a recess until 8 P.M.

EVENING SESSION.

The members of the committee reassembled in the aldermanic chamber, City Hall, at 8 P.M., Chairman NORRIS presiding, and a quorum present.

The CHAIRMAN. — The members of the committee will please come to order. Mr. Lundy will proceed.

CLOSING ARGUMENT OF JOSEPH LUNDY, ESQ.

Mr. LUNDY. — Mr. Chairman and Gentlemen: After the exhaustive review of the case which has been made by my brother Matthews, there seems to be but very little that I can present for your consideration. I deem it proper for me at this time to make one or two remarks upon the general subject of investigations, which my brother Matthews has also taken occasion to do. I have for a long time felt a great interest in the subject of investigations, and I must say that I never could find, either historically or analytically, why they were instituted. It has struck me that the principle of an investigation, originally, was probably to put men and organizations upon trial without the assignment of any specific charges, and without designating any specific causes. Like the extemporaneous speaker at a banquet, I have prepared some notes, and I think they will expedite me greatly in getting through the mass of evidence which I am in duty bound to consider.

I would say, Mr. Chairman, that of all the investigations conducted by state or municipal bodies that have come within my notice in the last few years, it has seemed to the public that the labor and expense involved has in but very few cases been justified by the results. My conclusions have been exactly similar to those of Mr. Matthews, and that is that members of investigating committees and persons concerned in one way or another with investigating committees have arrogated to themselves a certain, or, rather, I should say, an uncertain license in dealing with the characters, with the reputations, and with the personal interests of men whom they have had under investigation. I think that if the inquiry by the committee of the Board of Aldermen assigned to the duty of investigating the acts and management of our Park Commission, which inquiry is now drawing to a close, has done nothing else, it has certainly made a radical and, to my mind, most commendable departure from the traditions of investigating committees.

On February 27th of the current year, Mayor Hart approved an order passed by the Board of Aldermen for the appointment of a special committee of that single body to investigate the management of the Park Department, and upon the 16th of March following the inquiry provided for in that order was begun. In all the fourteen hearings in which we have taken part, I recall not a single unpleasant feature. I do not remember any conspicuous intentional discourtesy nor any very marked unfairness, either upon the part of any member of the committee or of any witness who has testified here. Mr. Matthews' conduct as counsel has been particularly satisfactory to me, and I have learned this afternoon that my conduct has been fairly satisfactory to him. During the progress of this investigation I have endeavored to cast no idle insinuations relative to the statements or the motives of any witness for the respondents, and have endeavored to impart to all my questions that element of sincerity which is essential to a just and competent investigation.

Your counsel, in preparing such a case as the promoters of this investigation placed in his hands, has encountered a great variety of charges, more or less substantial, and more or less important in degree. You, Mr. Chairman, have had it continually in mind to be expeditious. You have kept before you the very important consideration, it seems to me, that there should be no unnecessary or frivolous waste of public time and public money. I think that perhaps your zeal, and that of your colleagues, in this respect has to a degree hampered the conduct of the prosecution. From the beginning I have been keenly sensible of the honor and responsibility devolving upon me, and I have endeavored to bring to the work all the ability, all the diligence, and all the enthusiasm that were mine. The broad knowledge and the lengthy experience of Mr. Matthews at the bar and in public life, his thorough methods and his, I might say, iron indefatigability of effort, made him, possibly, the most formidable opponent any man, old or young, experienced or inexperienced, could have had in the discharge of the peculiar duties that have fallen to me in the office assigned me by your committee.

Mr. Chairman, you and the committee have been something more than merely courteous in your consideration of counsel for both sides, and in dealing with the witnesses. You have been even indulgent. The majority of the committee have attended the hearings with scrupulous punctuality, and have seemed to absorb the evidence with an intelligence which comes only with strict attention to all

the testimony that may be introduced. Much of that testimony has been rather incoherent, Mr. Chairman — possibly because of some lack of skill upon my own part; possibly from the embarrassment from which all but experienced or professional witnesses suffer in testifying before any public tribunal. Much of the testimony has been trivial; much of it must have been tedious to you; but I think I have succeeded very well in preventing it from being frivolous. There has been a mass of it that is vitally important, both to the interests of the Board of Park Commissioners and their subordinates, to you, to me, and to the great public, of which you and I are the servants. The duties which you have been called upon to perform have been largely self-imposed, and that reason alone and of itself renders it absolutely imperative that you should approach a conclusion in the premises with the utmost seriousness and deliberation.

I have heard a great deal of comment, coming from various sources, upon the advisability, even the propriety, of this investigation, Mr. Chairman. The committee and its counsel have been handicapped from the start. There has been an impression in the public mind, which has extended even to the gentlemen who have represented the press here, that there was something in the nature of sacrilege even to institute any sort or form of inquiry in which this particular body of commissioners might be involved, and that it was an outrage even for a public curiosity to develop in the direction of one of the most important orders of our public service. Beyond the generosity and personal courtesy with which the representatives of the press have treated me, and beyond that concession which they have made to you members of this committee for fairness, ability and honesty, the representatives of the Boston newspapers have not given to what I might term, Mr. Chairman, our side of this inquiry the consideration which it certainly deserved. There is no reason, in fact, why any newspaper, why any body of citizens, should prejudge any form of inquiry set in motion against any individual or any body of individuals.

I shall in this review of the evidence, Mr. Chairman, permit to the very largest degree the testimony of the witnesses to be an argument in itself. In other words, I shall comment just as briefly upon that testimony as it is possible for me to do.

Topically, this case at the outset had two main features of inquiry. One concerned the system of tree-cutting — a criticism of the general scheme of care and plantation which is being followed in our park system — and the other is what

we may classify, or what I would classify, perhaps ignorantly, as the business administration of the deparment.

Now, my brother Matthews has been somewhat concerned about one witness, Mr. Jeffery. Mr. Matthews seems to suppose that this entire investigation, if not instituted, was at least promoted materially, and sustained materially, by two people — Jeffery and Kelly. Mr. Chairman, I have no apology to make for the testimony that Mr. Kelly has given with regard to certain people who have been involved in this investigation. Upon that subject I will dilate more fully at a later moment, but in reference to Mr. Jeffery, the man whom Mr. Matthews has denounced here this afternoon in the terms of scathing sarcasm of which only my brother Matthews is master, I wish to say this: The committee has had the opportunity of seeing and listening to Mr. Jeffery. It would, perhaps, be superfluous to argue that his experience of more than twenty-seven years in the Park Department of the city of Boston had not been to the detriment of the system or to the loss of the city of Boston. Mr. Jeffery does not pretend to be an engineer, neither is he a landscape architect or a tree culturist; but he has been a reasonable, intelligent observer of the things with which he has in the course of his work come in contact, and, therefore, he is well qualified to give testimony to you upon the subjects upon which he has given it.

Mr. Matthews has labored very strenuously to disparage all that Mr. Jeffery has said, charging personal prejudice, charging a sore of long standing upon the part of Mr. Jeffery, charging that he has been a man who, while in the service of this department, has been imposing really upon the public and the city which has employed him for so many years. Foreman Shea speaks of numerous complaints concerning him — none of which, however, were more than the merest triviality. One witness, you will remember, Mr. Hannon, was produced by Mr. Matthews to show that Mr. Jeffery has busied himself searching for facts that might work to the injury of Mr. Pettigrew and to the damage of Mr. Shea. This step was entirely unnecessary. Mr. Jeffery admitted as clearly as a man could, while testifying, that he considered both Mr. Pettigrew and Mr. Shea incompetent in many things, and naturally a prejudice would develop, and, as a matter of fact, did develop upon the part of Mr. Jeffery as against these particular men, and as against the general system, or lack of system, which he believed to exist in this particular department. Certainly there can be nothing more than this. Certainly there can be no animus

upon the part of Mr. Jeffery, unless we recall a simple incident, that Mr. Jeffery was at one time suspended by Mr. Shea upon the very serious charge that he had stepped into a shanty to hang up his coat, and that he had spent time talking with one or two laborers who were at that time under his jurisdiction. Mr. Shea says that Mr. Jeffery was an incompetent foreman, in that had no control over his men, and that because of this all the good men in the department, all the men under Mr. Shea in the working force, who were active and intelligent enough to do such work as common laborers are commonly called upon to perform, were taken from Mr. Jeffery who was made foreman of a gang composed of the aged and decrepid men in the department, who were kept upon the rolls by the Commissioners for reasons of the broadest charity — and civil service. Now, it may be good judgment in the opinion of Mr. Shea, or there may be a certain policy in the mind of Mr. Pettigrew in taking a man whom they consider incompetent and putting him over a gang of incompetents. In that particular, Mr. Chairman, I disagree from them. I take issue with Mr. Pettigrew and Mr. Shea in regard to that, and I submit that statement for the very serious consideration of this committee.

In his first examination by me, Mr. Shea stated that when the suspension of men became necessary in February, and he struck Mr. Jeffery's name from the list, he had no men whose qualifications for the position of foreman were any lower, and only one or two who were in the same class with him. One or two of those foremen specifically named as the superiors of Mr. Jeffery appeared on the stand here, Mr. Chairman, and I shall comment later upon the evidences they presented of their superiority, so described. Even Mr. Clarke, and I hope he is present here, came for a moment out of the condition of coma, which seemed habitual to him while appearing before this committee, for the purpose of commenting adversely upon Mr. Jeffery and upon his ability. Mr. Chairman, I do not suppose that Mr. Clarke is able at the present moment to name the foremen who are at present employed in the Park Department; he has not the remotest idea what supplies have been purchased or procured by his department within the last ten days. Mr. Clarke has no definite idea of what work any official in his department contemplates doing within the next month, within the next week, within the next forty-eight hours. But Mr. Clarke could remember that some four or five years ago Mr. Howe, at that time, I believe, engineer-in-chief of the Park Department, remarked to him in the office of the

Commission on State street that he didn't like Mr. Jeffery, and that if he ever had sufficient cause to allow him to successfully attack a veteran, he would have Mr. Jeffery removed from the department. Mr. Chairman, Mr. Howe is at the present time in the employ of the city of Boston, and while Mr. Clarke was giving his testimony here Mr. Howe was probably not more than one hundred feet away from this chamber. They might have brought him here. Mr. Matthews might have produced him. Mr. Clarke, who took such interest in this particular piece of information, might bave brought Mr. Howe here. They could easily have brought him in here to tell what he would have done with Mr. Jeffery, and they might have given us an opportunity to get that information from his own lips. They might have permitted us to get his own, original opinion; but, undoubtedly they deemed it advisable, from motives of effectiveness, if not from motives of fairness, to omit this direct, and, under the circumstances, only fair form of testimony in such a matter. So I think I may present what Mr. Jeffery has said upon the subject of system, or rather, as I have observed before, lack of system in the department under the administration of Mr. Pettigrew and Mr. Shea, without any apology, and that I may even go further and demand of you and your colleagues upon this committee that you shall give some special attention to his testimony in weighing all the facts adduced in this investigation.

One of the witnesses brought here to sustain the complaint against the Commission — and I think that witness was Mr. William Henry Winslow, one of the "cranks" so graphically described by my brother Matthews this afternoon, has said upon the subject of artistic management of the park system, that there seemed to be a total want of concensus of opinion among the men who were responsible for the management of the Park Department, and that if the one were undoubtedly right the other was undoubtedly wrong, and if one were wrong, the other was undoubtedly right. That would seem to be fair in considering the construction work of the department.

Coming to the construction of the road about Peter's Hill in the late summer and fall of 1898, we have the testimony of several witnesses whose words would seem to be reliable, and whose experience would seem to justify them in testifying upon it, that no fewer than four men exercised superintendence in the construction of that particular piece of road. You will recall those witnesses who appeared upon the stand. You will recall more clearly than I have time to indicate to

you the various — I might say the numberless — facts that were presented in regard to that particular piece of road construction. Mr. Jeffery testified that, under the plan submitted by Mr. Howe, then acting in the capacity of superintendent, the men started to construct this road upon the idea of making it a Telford road, and that later Mr. Pettigrew, or Mr. Shea, or one or both of them who took part in the work, altered the style and the quality of the road. Mr. Pettigrew has testified that he never had any intention of constructing a Telford road, claiming that the other, the ordinary macadam road, is more economical and more serviceable; and upon that particular point, if you please, Mr. Chairman, I am not disposed to take issue with Mr. Pettigrew. He may be scientifically right upon that subject, and in all probability he has testified truthfully, so far as the actual facts could possibly come within his knowledge. But there is nothing that we know concerning Mr. Jeffery that would justify this committee in casting any doubt upon his statement as to the actual material put into the construction of that road, or in doubting Mr. Jeffery's testimony upon that point, which it would not be possible for Mr. Pettigrew, in his position, to dispute, because of his limited knowledge of the actual material put in. Some part of that road was constructed as a Telford road, and the committee has the right to deduce from the testimony of both men that the style and quality of that road was changed many times, even while Mr. Pettigrew was personally superintending the work, and that a part of that road, with or without Mr. Pettigrew's knowledge, was constructed as a Telford road after he had decided that an ordinary macadam road would be better for all general purposes.

"Mr. Jeffery said, in answer to my question, that all of this work was done practically without plan and without system. He began it under the direction of Mr. Shea, and he testified that change followed change until the work was completed — or, rather, until it had been finished with upon the first trial. Mr. Jeffery testified that the change in the grades up and down were sometimes as much as four inches within fifty feet, and that they were continually moving parts of the pavement to get them up or to get them down. Mr. Shea said, in instructing Mr. Jeffery, according to Mr. Jeffery's testimony, in the matter of changing the grade, that if the original plans of the engineer were carried out too much cracked stone would be used, and that this was to be avoided. After the road had been laid out according to the economical ideas of Mr. Shea and Mr. Pettigrew, almost im-

mediately the engineers of the department were sent around again to go over the ground. Now, if I quote this evidence in the slightest degree inaccurately, I willingly permit any interruption that my brother Matthews may make. I do not wish to state any item of testimony which is not practically exactly as I have got it from reviewing the testimony in book form. Mr. Pettigrew has testified, and there can be no question that he has testified truthfully, that the expense to the city of remedying these original defects upon the road, and in making the road what it should have been in the beginning, occasioned but small expense to the city; but if the expense, Mr. Chairman, in reconstructing that road were no more than a single dollar of United States currency, it would tend to prove, and prove conclusively, that total lack of consensus, that total want of system, which Mr. Winslow had noticed in the administration of another part of the department.

Now, it may be argued to you that that particular item is of small moment, because the expense of remedying the defects, as I have just stated to you, was small. It may be merely a paltry consideration, Mr. Chairman and gentlemen, so far as actual expense is concerned, but it is something which indicates a condition of affairs that should not be tolerated in men who are supposed to direct work, in men who are charged with the ministerial duties of important work in any department. Upon many occasions, Mr. Jeffery testifies, Mr. Shea instructed him to disregard the instructions given him by Mr. Pettigrew, and Mr. Pettigrew was at least equally free in his orders that the foreman should ignore Mr. Shea's orders. The testimony shows conclusively that in doing this simple piece of work on Peter's Hill it was necessary to have a conflict of ideas upon the subject of engineering between not only Mr. Pettigrew and Mr. Shea, but also between Engineer Murphy and Mr. Putnam, whose position and whose ability as a member of the engineering force of that department is unquestioned by anybody.

This combination of men undertook to lay a line of plain, ordinary gutters about the hill, and the process they followed was to put them in on top of the rubble which had been put in previously — only to discover that they did not have room enough to get any bed gravel under them and have them come out at anything like a proper grade eventually; so they proceeded to dig them out again. Mr. Pettigrew's opinion is that the work done upon the gutters at Peter's Hill is scientifically correct. As against this, Mr. Jeffery states that it is far from the usual custom to place

ballast under gutters. Upon that, the committee, in considering that particular question as between Mr. Jeffery and Mr. Pettigrew, must discriminate as to the general experience of Mr. Pettigrew, who, according to the testimony introduced by my brother Matthews, left his position as superintendent of the Lincoln Park system in Chicago purely and simply because of his lack of experience, of his lack of qualifications as a civil engineer, and Mr. Jeffery, who, while not an engineer, had been employed as a foreman and engaged principally upon the work of road construction in this same Park Department from the spring of 1872, Mr. Chairman, until the 10th day of February of the present year.

With reference to this work upon the gutters, it may be well to remember the testimony of Mr. Pettigrew, who states that unaccountably to him, the stakes that had been placed to mark the grade were removed, and that when it became necessary to reset them, the engineers being busy, he entrusted this work, important or unimportant as it may seem to you, or as it actually may have been, to inexperienced hands. Mr. Pettigrew's theory runs to narrow gutters and many catch-basins, and this idea would seem to have been carried out to an extreme extent upon this work. We have Mr. Jeffery's word for it — and I do not remember that that particular statement has been contradicted — that these gutters were built so narrow th t any flush of water occurring since their construction has washed inside and outside of them continually. At this particular place, Mr. Jeffery has said that, considering the steepness of the hill and the large area which the water had to fall on and run off across the road, the gutter space should have been at least three feet wide. Here we have not only a question of policy and theory as to gutter building between Mr. Jeffery and Mr. Pettigrew, but we have according to Mr. Jeffery's testimony, that evidence which time and experience alone can give us, and which has proved the mistake of Mr. Pettigrew's idea.

Now you and I, Mr. Chairman, and all the members of this committee, in considering the elements of evidence that have been introduced in testimony here, whether it was with regard to landscape gardening or arboriculture or engineering or road building, or whatever portion of the work may have been considered, have been under this disadvantage, that personally we have no technical knowledge of them. But in taking into consideration these facts, and taking into consideration these statements that have been undisputed — and I shall argue that because of their being undisputed they are indisputable — you are bound to arrive at a conclusion that there

was a lack of system in the direction of park affairs; and if that lack of system did exist then and we can show that it has continued up to date, then it follows that someone, and that one the one particularly and peculiarly responsible should be censured in some way by this committee, for the benefit of the citizens of Boston. It may be that any one, or all, of the gentlemen who took part in draughting the plans, and in carrying them out, in this simple stretch of road about Peter's Hill, would have accomplished excellent results in the matter of a road if any original or distinct system had been followed; but, according to the testimony, the fact is that, at a great deal of expense, the Park Department succeeded in laying out a road that was, if we are to believe the testimony which is still uncontradicted, bad, and that four or more more or less competent overseers, not to say anything of the engineers employed in the simple duty of manipulating steam rollers, were engaged for some time in falling over one another, and over the ideas of one another, in constructing this simple piece of road. Now, Mr. Chairman, that is all in evidence, and there is not one particle of it that has been contradicted. There has not been one bit of it that has been even denied.

Mr. Jeffery had something to say also at this point upon the quality of the cement that was used here at Peter's Hill, maintaining that it was of the poorest and cheapest quality, and that he ascertained this by making such a test as he could with the facilities which he had at hand at that particular time. I understand that it is the custom of the Sewer Division of the city of Boston, and of many contractors, who do this peculiar construction work upon a large scale, naturally to have some test of the cement which they use, and Mr. Jeffery told us that a fair cement should stand a test of sixty-five per cent. This, in the witness' opinion, would hardly have stood a thirty per cent. test. Now, Mr. Chairman, in the more or less instructive and thoroughly enjoyable view that we took of the Park Department the other day, you will remember that I undertook to pull out the grating of a particular catch-basin to examine the cement. I am free to say that I would not know good cement from bad cement, wherever I might see it. I had with me at the time Doctor Barnes and Mr. Pettigrew, Mr. Pettigrew lifting the grating. Doctor Barnes, I will say, in justice to the gentlemen of the Park Department, stated that that cement appeared to be good, further venturing the opinion that we had not reached the right catch-basin. That may be, or may not be, true, but I wish to state that fact, as I believed it to be

my duty, putting in both sides of the case so far as it may appear to me, that the only means that I took to ascertain the quality of the cement by a personal examination showed that the cement in the catch-basin which I examined was good, or was pronounced to be good by Doctor Barnes, who, by the way, has no accurate scientific knowledge in regard to cement. Still, I state that fact to you, that you may have the benefit of my experience. (Laughter.)

Toward the latter part of this investigation, when Mr. Matthews was putting in his case, a public-spirited person by the name of Patrick Johnson brought in here a lump of cement which he said he had broken off of a section of a catch-basin at Peter's Hill. You remember that lump of cement. I do not know whether it forms a part of our perfect museum of exhibits or not. Does it, Mr. Clerk?

The CLERK. — No, sir.

Mr. LUNDY. — It does not. He brought in something which he represented to be a lump of cement broken off of that catch-basin, and which he stated was fairly good, in his opinion. Doctor Gerry, of the committee, Mr. Chairman, cross-examined Mr. Johnson, and in that cross-examination Mr. Johnson materially revised the testimony that he had given in his direct examination. In his direct examination he maintained that this cement was of an eminently superior quality, but in his cross-examination he went so far as to say that if the weather conditions during the winter which we have just experienced had been as severe or as unfavorable as the winters usually are in this section of the country, he did not know what would become of that particular quality of cement or how it might affect the basins in which it was put and which it was supposed to hold together.

Now, about this same time, or a little later, Mr. Jeffery was assigned to build a stretch of road about two hundred and fifty feet in length, approximately, along Fairview street. He was given practically no plans to work upon, and with the exception of mere suggestions upon the subject of surfacing the road, was left entirely to his own resources to carry it out. This stretch of road was completed, so far as we know, without complaint and without interruption, and it has never required any alterations since Mr. Jeffery left it. This cannot be contradicted, or, at least, has not been contradicted, and would seem to go a long way towards offsetttng the statements that Mr. Shea has thought it fair and in good taste to make against the reputation of Mr. Jeffery for efficiency as a foreman and as a road-builder.

In the early winter of 1899 Mr. Jeffery was sent over to the Arboretum, and put to breaking up a lot of stone to be used as foundations for walls which afterwards really were put into the trenches to make foundations along Forest Hills street. Now, Mr. Jeffery's experience certainly justifies him in expressing an opinion as to the value of a piece of stone, and when he tells this committee that a mistake, that a very grave error, was made in breaking up large blocks of stone, which could have been put to a hundred and one valuable purposes in that neighborhood, when there were large quantities of small cobbles and broken stones already lying about that might have been used, and large lots of stone that had already been taken out of walls also which might have been used for the purpose, you must show some confidence in and respect for that opinion. This stone, according to Mr. Jeffery, was particularly hard and good, and was excellently adapted for ballast. It is possible, gentlemen, that a wise policy was pursued here, but I think that one might question it without danger of being considered either impracticable or finical.

Before prcoeeding to Mr. MacCallum, another victim of my brother Matthew's wit and sarcasm. if this committee does no other thing, if it justifies the conduct of the Park Commissioners, and approves the course which the Park Department has pursued during the last four years in the report which it will naturally submit to the public — if it do no other thing, it must justify Mr. Jeffery. There is no reason why any personal prejudice should be allowed to reflect upon the reputation of a man who has been a competent foreman and a skilful servant of the city of Boston for more than twenty-seven years. There is absolutely nothing in the evidence to justify Mr. Matthews in describing Mr. Jeffery as a Sherlock Holmes. He is far from that — something above it, perhaps. Mr. Jeffery has been too busy a man during his life, so far as I know it, to follow the Holmes business. In this connection, I might touch upon the subject of Mr. Hannon. He was produced here as a witness by Mr. Matthews. He said that Mr. Jeffery came to him and said "Do you know anything about Pettigrew being corrupt?" or something to that effect. Hannon didn't know anything about Mr. Pettigrew. Now, Mr. Chairman, is there any evidence that Mr. Jeffery undertook to unduly or iilegitimately influence Hannon or any other witness to testify against Mr. Pettigrew? Is there anything improper in Mr. Jeffery making a campaign, so to speak, against the Park Commission, if it appeared to him to be

wise or proper to aspire to the position held by Mr Shea, or Mr. Pettigrew, or anybody else? Is there anything illegitimate in that? Is there a taint of fraud in that proceeding? Supposing that Mr. Jeffery did do that, there are members of this committee who have thought it wise to proceed against the administration of the Park Department. And if Mr. Jeffery, entertaining those same ideas, no matter whether or not he had personal motives and prejudice, if he saw fit to proceed legitimately to produce such information as might come within his knowledge, and so much as he might be able to procure against these men, wasn't he perfectly justified in doing it? It does not profit brother Matthews to cast these aspersions upon Mr. Jeffery. I know nothing of him personally. I care nothing for him personally. I do not care whether he is the next chairman of the Board of Park Commissioners, replacing my friend Stratton, or whether he supplants Mr. Shea or Mr. Pettigrew. It does not make any difference to me personally, unless it were to affect me from the other end. But I do say that a man who has served the city loyally and well and efficiently should not be slandered, even by a zealous attorney in his argument.

Now, to come to Mr. MacCallum. You remember him, Mr. Chairman. He is put in the group by my brother Matthews and regarded by him as being one of the conspicuous members of the "Forty Thieves." He is another one whom you are to suppose went around nights through subterranean passages to dig up evidence intended to foully cast into oblivion the clients of my friend on the opposite side of the house. Mr. MacCallum was another witness who is somewhat in disfavor with the officials of the department, but not considered quite so obnoxious as Mr. Jeffery, simply because he has not any active or nervous ambition to succeed anybody. Mr. MacCallum testified here. Now, how did he strike you? How did Mr. McCallum impress you as a man and as a workman? What would you say as to Mr. MacCallum's integrity, as to Mr. McCallum's probable intelligence in any walk of life in which he might find himself, or might direct himself?

You will remember, Mr. Chairman, that, prior to Mr. McCallum's employment by this Commission, he served a course of eight or nine years in the Water Department of this city, then under the superintendence of Mr. Desmond FitzGerald, and that his work in that department was of the broadest description in the line of road-building and general construction. Now, Mr. Chairman, just why Mr. McCallum was selected for suspension, when men of the Edgeworth and

Watson type were permitted to remain as foremen, is something which no investigating committee could ever be expected to ascertain. Mr. MacCallum tells us of a pretty piece of work he was compelled to do at Wards Pond. That work was referred to by Mr. Matthews, and I will go over it also. It consisted of ripping up a section of road about one thousand feet long and twenty feet wide, which road was at that time in excellent condition, and which was dug up, so far as Mr. MacCallum's testimony goes, and so far as we from the evidence can see, for no conceivable reason. Here, too, he superintended the destruction of certain rustic work which he said was instituted and laid out by Mr. Frederick Law Olmsted. This piece of work is a matter of general criticism, and will be taken up more fully from a standpoint other than that of Mr. McCallum, but I do wish to recall to the minds of the committee that while this apparently valuable feature was being obliterated, Mr. McCallum had the temerity to comment upon it to Mr. Shea, under whose direction the work was being carried on, and Mr. Shea curtly instructed him to put a tow horse on to all the stone and boulders and pitch them into the pond.

Gentlemen, more or less competent witnesses have said during the course of this investigation that that was the only proper and profitable process of getting rid of that stone, but it was the merely vulgar and inconsequential opinion of Mr. McCallum, who was on the ground, and who knew what was required in that immediate neighborhood in the way of material for construction, that that stone could very easily have been loaded up and sent over to the wall at Franklin Park, and there broken up or put in for ballast, instead of breaking up valuable curbing as he saw done subsequently for that purpose.

Now, it does not make any difference to you or to me, and it does not make any difference in the science of public economy, whether that stone was worth one thousand dollars or whether it was worth ten cents. The question is, was that the proper disposition to make of it, or was it the slovenly process pursued by a man who had no regard for economy, no regard for system, no regard for the welfare of the department, or of the city by whom he was employed? There are particulars in this investigation, Mr. Chairman, that are not quite so laughable, not quite so trite, not quite so perfectly absurd, as my brother Matthews would have you believe, and you have all the evidence upon this point. There has been much conflicting testimony upon that particular point, but I hope that you will bear what I have said in mind in

considering it. As I said before, whether the value of that stone is little or great does not make any difference. It is the principle which you, Mr. Chairman, and you, gentlemen of the committee, are bound to consider. Mr. McCallum placed a value upon that particular stone, and thought he was within reason in saying that that stone where it lay, and at that time, was worth at least sixty cents a ton for road or ballast work, and that if it were at that time the wise intention to fill up this pond, that there was cheaper and more available material with which to fill it.

Mr. Chairman, at Leverett Park Mr. McCallum had considerable difficulty in the matter of measuring the loam as it was delivered by the contractors, the only reason for the difficulty existing at all seeming to be that he was rather more exact than the average foreman of the department. He testified that nearly all the measurements were made by tally boys at this place, and that all the measurements which it was possible for him to see were made properly. Mr. MacCallum at this time, and it may appear ridiculous to some persons, was somewhat sensitive, somewhat scrupulous, as to just how much loam was receipted for and just how much was delivered. Mr. McCallum's testimony is that at this place the measurement of the teams was entrusted to the hands, or to the minds, of careless and incompetent minors. Now, is that a system which it is fair or profitable to follow in handling the material and the property of the city of Boston? He testified that nearly all the measurements at this place were short. He states additionally that this was particularly the case with the teams of one James Dolan, who, it seems from the evidence, has done so much work in one line or another for the Park Department. At this time his teams were generally considered "off" by Mr. MacCallum. It is not to be argued that the city suffered in this instance, or that it was intended that it should suffer, but it does disclose a lack of system at that particular place which was commented on at the time by this particular witness. Mr. MacCallum complained to Mr. Shea particularly about the loads that Dolan was delivering, and Mr. Shea told him not to be severe on the contractors, that they were putting in the material pretty cheap. For this evidence you will consult page 110 of the Appendix.

Mr. MacCallum was for a time engaged in work at the North End Park, superintending the digging of trenches and the filling of them with loam. The loam at this place was delivered by Albert H. Eichorn, a gentleman called into discussion at greater length in another connection. Here Mr. Eichorn dumped one scow-load of salt marsh muck,

which Mr. MacCallum described as resembling almost anything but loam, and which he condemned. Mr. Pettigrew, by telephone, ordered Mr. MacCallum to accept that stuff and throw it into the trench. Mr. MacCallum testified that he allowed himself, however, the liberty, in the interest of the department, of dumping that stuff into the very bottom of the trench, later covering it up with such fairly good material as was supplied to him. This material — this "muck," as it was described — was being paid for at the rate of ninety cents to a dollar a yard.

Mr. MacCallum's experience at Peter's Hill, and his testimony upon it, are merely corroborative of the testimony of Mr. Jeffery, except that Mr. MacCallum, in addition, supplied us with the information that the gutters were originally laid by a James Dolan, and that when it became necessary to readjust them the work was assigned to the Gores. You will remember, Mr. Chairman,— and it is, perhaps, a trivial point, — that at this time Mr. MacCallum, who was in charge of a gang there, had under him a bricklayer who, to Mr. MacCallum's mind, was plainly incompetent, and that in the presence of the bricklayer, and while that bricklayer was at work, he complained to Mr. Shea, and that Mr. Shea ordered that man to continue working. Now, you may respectfully ask me what has that to do with the department, or how does that affect the tax rate of the city of Boston? It is important, only as one small, but distinct, link in the case which we are presenting, or which I am assigned to present, against the Park Department. That is all. But that little point is more essential, is more important, more respectable and more dignified, than a dozen points presented by my brother Matthews this afternoon in his lengthy and exhaustive argument.

This witness in some respects testifies to the lack of caution shown in the matter of receiving loam more fully than any other witness, stating that frequently Mr. Shea had told him to leave places where loam was being received in large quantities, and that this occurred particularly on Saturday afternoons, when he was told to go home — in fact, practically ordered to go home — while loads were being delivered by more or less irresponsible men in the contracting business, and being received by boys, who, if not dishonest, were at least, by reason of their lack of education and their inexperience, incompetent to handle it. Now, if I am not quoting the evidence correctly, Mr. Chairman, I desire an interruption.

It was in his cross-examination of Mr. MacCallum that Mr. Matthews introduced a history of the institution of

Ward's Pond and the neighboring pools, and furnished the theory — I am not perhaps doing justice to Mr. Matthews when I say a theory — when he furnished us with the actual reasons why the pond basins were filled. Now, we do not contend that it was wrong to fill Ward's Pond, but we do argue that another kind of filling might have been used more economically and more effectually for that purpose.

Since this testimony has been given with regard to the condition of the road, the committee has had an opportunity of directly observing the conditions mentioned. Whether or not it did, I am not at all certain. While there was some other evidence more or less discursive in its nature on the subject of roads, I propose to drop that heading with what I have already said.

Now, adverting briefly to Mr. Shea's reason for the selection of his foremen, I regret that the committee deemed it unwise to devote sufficient time to enable a brief examination of the individual foremen retained. I wish to call to your mind, Mr. Chairman, in passing the spectacle presented by one of the favored foremen under Mr. Shea, a man for whom he argued the most favorable things in point of ability and integrity. Mr. James D. Edgeworth, I am perfectly confident, would for all time successfully baffle any attempt to fathom his integrity, because of his marked lack of general intelligence. It is of considerable importance that a man in charge of a gang whose duties include time-keeping and mathematically exact methods of accounting for any material consigned or entrusted to him should be of some education, should be of some mental aptitude. Mr. Edgeworth, at one time, according to his own testimony, was accountable for certain loads of loam delivered in his section, and that accountability comprehended the measuring of carts. You remember the simple example that I requested him to perform for us, a simple proposition in cubic measure, — which, by the way, I want to credit to Mr. Kelly, the young man who has been such a conspicuous object in this investigation and who has occupied so much of my brother Matthews' attention. Mr. Kelly, the tally boy, the man of no reputation, the man of seemingly no ability, makes out an example in cubic measure for one of Mr. Shea's pets, one of his most efficient foremen, and that man awkwardly refuses to do it. You know what that means? You know that he could not do it, that that man could not have measured a shoe box, and that he was no more capable of performing the duties of a foreman in the department and of receiving the salary that goes to a foreman than a ten-year-old boy —

perhaps not as competent as a ten-year-old boy who has received any educational advantages or has any natural ability.

Also, you had an opportunity of observing and hearing Mr. Hugh Watson. He is another gem in Mr. Shea's collection of intelligent and trustworthy foremen. His evident unwillingness to give anything like full or fair information to the committee impedes somewhat the acquiring of any idea of what his real fitness for his position may be. His reluctance, his obstinacy, his want of common courtesy to you gentlemen, was a stone wall against determining what his fitness may have been. But he did tell us of some of his work in constructing a wall about Franklin Park. A year ago, he testified, he erected a stretch of wall, and evidently because of his peculiar skill, or lack of it, a very important item of filling was overlooked, and the wall bulged shortly after its construction. To be sure, he dodged the responsibility for the idea upon which the wall was constructed, but, notwithstanding that, the fact is he directed the work, and it is perfectly fair to argue from his statement that his work, so constructed, was defective.

Also, it is competent for your consideration, Mr. Chairman and gentlemen of the committee, in the absence of anything contradictory on the point, that granite curbing actually worth at least $1.55 a foot, was broken up and improperly thrown in back of this wall. Now, gentlemen, while the value of this stone to the city at the outside may have been insignificant in dollars and cents, it does, nevertheless, clearly show wanton extravagance. This witness, Watson, also built some walks at Peter's Hill which even he thought not good in that only four inches of stone were put into the walk where six would have been a barely fair average. He did say in extenuation of this that the road was not absolutely bad, because of its particular location, and because it had been constructed under, what I consider, Mr. Chairman, a very questionable idea of economy.

The young man Keilty, whom I summoned here, demonstrated the one fact that I counted upon. He struck me, and I think must have impressed you, as a young man of perfect honesty, of merely fair intelligence, and by no means trained or experienced to perform the work that had been assigned to him in the Department, work that comprised the receiving of loam, and which was of great moment to the City of Boston.

Mr. James O'Brien, who has been in the employ of the Department for about thirteen years, and is now sub-foreman on the actual working list, touched upon one or two matters

of detail which Mr. Matthews has thought so inconsequential as not to warrant a contradiction or explanation on the part of Mr. Pettigrew. He directed some work in the construction of a street leading from the greenhouses to Canterbury street in the last of November, in which, by direction of Messrs. Pettigrew and Shea, or one of them, he dug out about two hundred and fifty yards of loam, eating up much time and involving expense of labor, which quantity of loam was almost immediately thrown back into the very same spot from which it had been taken. Now, we have not heard any reason for that action. We do not know why that was done. I should have been pleased to hear some explanation of it, but I have not, and you have not. The witness testified that he marvelled somewhat at the proceeding and never received any explanation for it. O'Brien — who, by the way, was anything but a particularly willing witness, testified that he took part in the destruction and dumping work at Leverett Park, and it was his opinion, as a practical foreman, knowing something of stone and of rustic work, that the proceeding was one of absolute and pronounced waste, — and even a park foreman, Mr. Chairman, is to be considered in this investigation as against the opinion of superiors who are impracticable. The stones have been in the position from which he moved them for four or five years, and he figured that it must have cost from six to ten dollars a day for labor in placing the layers.

Also, Mr. O'Brien had an annoying experience, you remember, Mr. Chairman, about a dozen loam books which were charged to him at the office at Pine Bank, charged to James O'Brien, foreman at South Boston, Mr. O'Brien has absolutely never had any experience there; has never been assigned to South Boston. Now, of course it is not in evidence that these dozen loam books, representing, I believe, twelve hundred checks, do they not, Mr. Shea?

Mr. SHEA.— Yes.

Mr. LUNDY.— Representing twelve hundred checks, were used. There is nothing in evidence to show that the City of Boston was forced to the expense of accounting for them, or that they were ever cashed; but they never have been accounted for, and they were, through some bungle, not to say fraud, not to suggest the slightest illegitimacy upon the part of any member of the Department, charged to foreman O'Brien, and O'Brien never received them, and nobody, not even Mr. Timson himself, knows where they went, whether they were ever returned, or ever will be returned. They simply went out, and O'Brien was charged with them. Of

course, Mr. Matthews showed in his cross-examination of O'Brien, what the committee would naturally suppose, that the books so charged to him were necessarily blank ones, and that they could not logically be converted into value until filled; but Mr. Matthews did not succeed in showing by any witness in direct or cross-examination what eventually became of those books. The fact is, Mr. Chairman, that a blank book would be much more advantageous to a man contemplating fraud than one partially filled.

You remember we had a witness named Almeida. He was for twelve years attached to the engineering staff as a transitman, and he appeared from the character of his testimony to be eminently qualified for the duties that would seem to be attached to that position. He testified to one or two things of which he was personally cognizant in the building of about 2,400 feet of the Parkman Drive. Perhaps the most important fact brought out by him was the change of the line of survey made after work on the wall had been somewhat advanced, on the suggestion of Professor Sargent and Mr. Pettigrew. To be sure, Mr. Almeida understood that the line of survey was swung out in order to save a rather fine specimen of tree which came in the way, and that that was done upon the particular recommendation of Professor Sargent. He did say here that the suggestions of Mr. Pettigrew and Mr. Sargent were often in conflict with the plans laid down by Mr. Putnam, the engineer, but in this particular case which we have in mind, Professor Sargent desired the line of survey thrown out in order that this tree might be preserved. Almeida also testified that within a few months after the Commission went to the expense of throwing that line out, that particularly fine specimen of tree was removed. While engaged in laying out the walks at Ward's Pond he testified that Mr. Pettigrew several times changed the plans of Mr. Putnam, and also vacillated in his own plans. Mr. Almeida testified that at one time the superintendent gave orders to him to stake out about four hundred feet of walk. It was so laid out and approved by Mr. Pettigrew, and men were put to work sub-grading. After the sub-grading had been completed, within two or three weeks Mr. Pettigrew gave orders to entirely change the work, occasioning exactly double the expense and work on the part of the men, obliging them to go over the entire walk for the second time. Now that, Mr. Chairman and Gentlemen, is an indisputable fact. That is in evidence, and has not been contradicted or denied. Another point to which Mr. Almeida testifies, and it would seem to be one of importance for you to digest, is that under

the system pursued by Mr. Pettigrew, it is absolutely impossible for the engineers to furnish accurate estimates of the cost of the work to the commissioners; and that the estimates furnished within the last three years have been merely a matter of conjecture to a large degree. This testimony was not shaken one jot by the skilful and rigorous cross-examination to which Mr. Matthews subjected him.

Now let me go over with you very briefly the testimony of the general foreman, Mr. Shea. Mr. Chairman, there can be no speculation upon the question of Mr. Shea's ability and general intelligence. He clearly demonstrated during the many times he was called to the stand, and through the somewhat protracted examinations, that his talents are by no means limited to the line of endeavor which he follows for a livelihood at the present time. Mr. Chairman, for pure skill in testifying to suit himself, and harmonize his ideas with the scheme of defence of the Park Department, I cannot be too extravagant in appreciation. Mr. Shea is simply remarkable in the manner in which he mingles candor and evasiveness in meeting and dodging questions.

Mr. Shea's duties, according to his testimony, and according to what we have seen, are of the broadest character, and much responsibility rests upon him for the execution of these duties. There can be no doubt that Mr. Shea devotes all necessary time to his work in the park system, and that that time is exhausted in a painstaking and earnest effort. I think in the matter of foreman Mr. Shea has had perhaps a not unnatural prejudice, perhaps a not unusual degree of discrimination, but he has had, nevertheless, a prejudice. I should say from the appearance on the stand of his favorite foreman that so long as these men remain in their present positions they will be detrimental to the best interests of that branch of the Department. I see no reason to argue that Mr. Shea's treatment of the men has been anything but fair. The testimony from all sources is that the laborers are taken in the usual way from requisitions on the Civil Service Commissioners, and the men have been accommodated, so far as it has been advisable and practicable, in assigning them to the different sections of the city for work. I think at the time the suspension of the working force was compelled in February for want of funds, Mr. Shea showed, to put it mildly, rather poor judgment in the number of foremen he retained, and the number of men who were permitted to go. Of course I charge this to Mr. Shea only so far as he is actually responsible for the selection or rejection of these men. At the present time there are men on the pay-roll of the

Park Department under the title of foremen and drawing the salary of foremen, who have practically no work to oversee, and it does seem that if some men must be suspended it would have been fairer to have suspended a few of the bosses and in their places retain a number of men, because it must be perfectly clear to the average mind that there is always some work which a laborer may perform in the duller season where a boss may, from lack of laborers, be forced to remain idle. That point should be perfectly clear, and it should seem more or less vital in your minds. That matter of suspending a batch of men and retaining a number of idle foremen, is one which should recommend itself to you for your consideration. We find at the present time that the seven foremen — or is it six, Mr. Shea?

Mr. SHEA. — Seven.

Mr. LUNDY. — We find at the present time that the seven foremen still on the pay-roll in that capacity have an average of not more than five laborers under them in a gang. I may be partially wrong, but I think I have struck a fair average, and I aver that in some of those gangs the men have absolutely no work, and I do not see why any man should be placed over them and given the title of foreman. Mr. Shea was clear enough in exposing a well-developed and long-standing prejudice against Mr. Jeffery, who was for so many years a foreman in the Department, and there can be no doubt that it was because of that prejudice that such a valuable man as Mr. Jeffery is, in my opinion, Mr. Chairman, was suspended and men of the wooden variety, such as Watson and Edgeworth, were kept in the service. Mr. Coulter, who was a sub-foreman up to the time of the suspension, we find from Mr. Shea's testimony, must have been peculiarly well fitted for the position, inasmuch as he is now occupying the position and performing the duties of a skilled laborer at two dollars and twenty-five cents a day. Before the suspension, Mr. Chairman, we have Mr. Jeffery, a man who for years has worked as a foreman at a salary of five dollars a day, Mr. MacCallum, against whom there is no suggestion of doubt, absolutely no question as to his ability or his reliability, and Mr. Coulter, the foreman, all working on a level, receiving the same pay, and Mr. Jeffery and Mr. MacCallum are let go, while Mr. Coulter is retained and consents to go back to his position of a skilled laborer, receiving, I believe, twenty-five cents a day more than the average laborer.

I admire Mr. Shea's perfect confidence in his foremen. It must, indeed, be pleasant to find that one has in one's subordinates such unnaturally good qualities as Mr. Shea finds in

his foremen. He was quite positive that Mr. Weidener of South Boston never drank. He was quite positive that there never was an abuse of the service, and no detrimental favoritism shown between Weidener the foreman and Weidener's son, the tally boy, working in his father's gang. He knew that all that was said by Kelly, to whom I shall come presently, was absolutely false. His faith in Mr. Abbott's honesty and sobriety was strong to the limits of human possibilities. He never doubted that the Park Department got all the loam and filling that it paid for, and he does not suspect the suggestion of jobbery in the historical fact that the entire Dolan family all drew lucky lots that entitled each of them to teams.

Now, it does not appear in my notes, Mr. Chairman, but you will remember, perhaps, the value of the articles I am about to enumerate. You will remember that the Park Department owned four watering carts — four, wasn't it, Mr. Shea?

Mr. SHEA.—Four.

Mr. LUNDY.—You can see how much I depend upon Mr. Shea, and you can judge how much the Park Department should depend upon him, Mr. Chairman. (Laughter.) These carts had been in the custody of the Park Department for some time, and it is not reasonable for us to doubt Mr. Shea in the slightest degree when he says that they were somewhat damaged, and that they were somewhat out of date and did not look as well as they might on the park roads, or when he says that they were not as serviceable as the design of cart which they afterwards adopted, which I believe is the Studebaker. These carts were sold to a contractor — for how much, Mr. Shea?

Mr. SHEA.—Seventy-five dollars each.

Mr. LUNDY.—That is $300, and those carts cost the Park Department originally — I will trouble you once more?

Mr. SHEA.—About $365 a piece.

Mr. LUNDY.—About $365 a piece. Now, it was found profitable by that contractor to afterwards employ those carts on the park roads. To be just and perfectly fair in the matter, I admit, as Mr. Matthews stated it this afternoon, that those carts had been used since then only temporarily. Nevertheless, Mr. Chairman, they have been serviceable, and they should have realized, it seems to me, more than $300 in the aggregate when disposed of to a contractor.

There is another minor proposition in the evidence as it has gone in, which I will endeavor to cover. You will remember that Mr. Shea testified in regard to a certain — well,

delicate or emaciated horse, for which the department paid a fair sum. This horse always had a fairly decent reputation as far as work went, but he was anything but decorative. He did not conform to any symmetrical idea of landscape, either. He was a blot, in the opinion of Mr. Pettigrew. Now, Mr. Pettigrew ordered his subordinates to have that horse removed from the Department, and the horse was sold. That horse was sold at a price which I do not recall, but at a price which was practically a sacrifice. Whether that horse, Mr. Chairman, ever overcame his tendency to leanness does not appear in evidence, but it does appear in evidence that that horse has since appeared on the roads of the Park Department without causing any very serious nervous prostration to Mr. Pettigrew. Now, as I have stated continually, Mr. Chairman, those matters may be considered minor matters in themselves, but they all fill in. They are a part of this "absurd case," as my brother Matthews characterized it this afternoon.

To pass from Mr. Shea to Mr. Pettigrew, Mr. Chairman, I desire to say that much that I hinted at in my preliminary examinations, bearing upon Mr. Pettigrew's conduct and experience, was upon a false impression that was entirely excusable in me under the circumstances, and which, I think, I have done all in my power to retract, and which I truly regret was ever raised. I am satisfied now that Mr. Pettigrew's career, personally or officially, wherever he has been prior to accepting a position in our park system, was entirely efficient and honorable, and no doubt very valuable to the community which he was called upon to serve. I am satisfied that much of the friction that arose about Mr. Pettigrew in other cities where he has been, has grown from prejudice, in many cases due to ignorance. Another point I desire to make before proceeding to dissect his administration of affairs in our park system is that a strong prejudice had existed in certain circles, and, in fact, at one time had considerable growth in City Hall, and even among individual members of this committee against Mr. Pettigrew because the Park Commissioners saw fit to go to a neighboring city for him when men might have been procured nearer home. Personally, it is my opinion that if Mr. Pettigrew is all, or approximately all, that a park superintendent should be, it were better to go any distance abroad to procure his services than to take some one inferior who happened to vote in our own city. Beyond that, a statement was made by one witness which was not in the slightest degree anticipated by me and which I sincerely regret to

have heard. I refer to the reflection cast upon him by the witness Kelly. I regret that, because I rely upon Kelly. I place absolute reliance upon him as to certain things. It is true that he has a tendency to lie along certain lines, but you, Mr. Chairman and gentlemen of the committee, have got to consider him and consider the facts with which he was connected.

The thing to be considered in connection with Mr. Pettigrew is what he has been and what he has done since he assumed the reins of management in Boston. Now, has Mr. Pettigrew, since he assumed the reins of management in Boston, evolved or followed a system which has been for the best interests of the city? Has he or has he not been clear in his ideas of the work to be done? Is he generally a man of system, or does he pull crosswise, as some of the witnesses have testified? At this point let me say that so far as Mr. Pettigrew's work has been along the line of tree culture, I think it unnecessary to criticise. It is undoubtedly a fact that in these channels he has relied upon and executed simply the ideas of Professor Sargent, and if it be wise for the Commission to consult with that gentleman, if it be proper for him to be the adviser to the Commission, then it was and is eminently proper for Mr. Pettigrew to consistently carry out all that Professor Sargent desires to have done. The building of the road about Peter's Hill suggests but one theory of dispute. It is not to be argued that Mr. Pettigrew was wrong in building a macadam road rather than a Telford. It would be, perhaps, going a bit too far to urge that Mr. Pettigrew was wrong in having two styles of construction on the same stretch of road, if you believe such to have been the fact, but it is fair to argue that if through any changeability or fickleness of ideas from day to day upon this work of construction in the mind of Mr. Pettigrew, there arose delay, additional and unnecessary expenditure of labor, want of economy in the use of money or material, then Mr. Pettigrew is open to the gravest censure, and, upon that fact alone, Mr. Pettigrew is to be considered as to a certain extent inefficient.

If his ideas on the construction of gutters, even with the extra number of catch-basins provided for, resulted in the conditions I have previously adverted to, then indisputably Mr. Pettigrew is again in error, and should be reproved. For many reasons I regret that Mr. Pettigrew did not explain the superfluous labor and waste of time testified to by witness O'Brien, in taking up two hundred and fifty yards of loam and immediately replacing it. If Mr. Almeida is to

be believed — and we certainly have no reason to doubt him — in this particular statement of his, that Mr. Pettigrew, in the walks at Ward's Pond, changed the plan which he made, had carried out and approved, and occasioned that double work so described, and it is neither denied nor contradicted, then here, again, we have evidence of lack of system, and to that degree inefficiency.

For the purpose of expediting the course of this argument, I shall consider practically together two distinct features of the evidence — that including the delivery of loam at Marine Park, South Boston, and that comprising the delivery of filling at Neponset Park. My reason for doing this is that one William Kelly, who has been somewhat distinguished in this investigation, has had a great deal to do with the operations in both of these playgrounds. Now, Mr. Chairman, I had intended to omit, to a great extent, any testimony coming from young Kelly. I did not intend to eliminate him entirely from this case, because he was, fortunately or unfortunately, my witness; but when Mr. Matthews takes up the work of defending one Eugene Eichorn at the expense of Kelly, or at the expense of anybody, however criminal and unscrupulous, then it is only fair to state the facts and put one against the other.

Now, Mr. Chairman, a word further. The committee, so far as counsel is concerned, are at perfect and entire liberty to arrive at any conclusion that may appear to them to be proper with regard to Mr. Kelly's general standing in the community. With that I have absolutely no concern. Everything that he has said here is to be weighed of itself and regarded by you in the clear light of probability. Mr. Kelly's career has not been as immaculate as that of some of us, and if it were to appear that it had been, neither you nor any other body could reasonably consider with any degree of seriousness the testimony that he has given affecting the character and the action of the parties whom I am about to name without very strong evidence. This Kelly was sent to me while I was preparing this case, and he made to me certain statements. I scrutinized his testimony and examined him as thoroughly as I possibly could, and resolved, upon hearing his story, that I would place him upon the witness stand, if it appeared to me after hearing the testimony of other parties in interest that his story was beyond a reasonable doubt materially correct.

I summoned and put upon the witness stand one Eugene H. Eichorn, who is a brother and some time manager for Albert Eichorn, who has handled at least two contracts for

the Park Department. Mr. Eugene Eichorn had not covered more than fifteen miuutes of time in testifying before I was thoroughly convinced that everything Kelly had said to me concerning the Eichorns was absolutely correct. Mr. Eichorn testified, Mr. Chairman, that his relation with Kelly, the tally boy, had no degree of intimacy. He said that he had never gone to lunch with Kelly as one of a common company. He denied that either he or his brother Albert had ever paid for anything that Kelly had eaten. He denied that Kelly had ever eaten at the same table with him or his brother. He denied that he had ever made a present of a bicycle to Kelly, and claimed that he had made a loan of one, — just why no one can reason out. He denied that either he or his brother had ever brought upon the Marine Park reservation any liquor for the use of the laborers or the foremen there employed by the Park Department, and he denied that either he or his brother had ever given to Kelly any sum or sums of money. Now, gentlemen of the committee, if either he or his brother made a of practice of taking Kelly to lunch, if he gave a bicycle worth at least thirty-five dollars, and possibly a hundred dollars, to Kelly, if either he or his brother was accustomed to bring liquor to the men or the bosses at Marine Park, and you so find, then there can be no doubt of the nature of your surmise as to motive upon their part, and if you so find that this practice was continued, it is fair for you to assume that the Eichorns had some compact or some agreement with those in the employ of the Park Department at that place that possibly could be of service to them, and possibly be of absolutely no service to the Park Department.

Now, Mr. Chairman, it strikes me that Kelly was a particularly bright, and it might well be said, particularly unscrupulous, boy. He has served several terms in our penal institutions, and has to a very generous extent followed a career of petty roguery. I am just as strenuous as my brother Matthews possibly can be to have you have this fact clearly in your minds in passing upon all that he has testified to and all the interests that may be affected either one way or the other by his testimony. If either Eugene Eichorn or his brother Albert, who was the party most materially interested in this connection, is to be charged with, and reasonably ascertained to be, guilty of corruption or fraud, you must remember that any possible confederate that they might have in a scheme to cheat would be someone whose scruples would not be more than delicate. Mr. Shea sent Kelly to Marine Park when Kelly did not want to go.

It is not denied that Kelly cried, laughable as that may appear, when he was taken from the gang in which he was employed as a water boy, and saddled with the duties of a tally man. He said here to you, and you cannot reasonably doubt the truth of his statement, that the Eichorns, both Eugene, the foreman, or whatever we may describe his position as, and his brother Albert, were particularly familiar with him, and made to him many presents and showed to him many favors that men in their position would not show to a person in Kelly's, unless there were some advantage to accrue to the Eichorns.

Kelly's story in brief was that he met the Eichorn brothers on July 5th, 1898; that he worked as a tally boy under Foreman Weidener while Albert Eichorn was delivering, under contract, some eighteen or nineteen thousand yards of loam at Marine Park, and while that gentleman was the only contractor engaged in supplying that material at that place to the Park Department. He met, while this supply of loam was being delivered, the three brothers, Albert H., Eugene H., and Frederick Eichorn. Shortly after the advent of Kelly and the Eichorns at Marine Park, the Eichorns commenced to extend certain social courtesies, more particularly dinners and lunches, to Kelly. Eugene denied that they had ever gone to lunch together, or that ever he or his brother had paid for Kelly's lunch. Albert H. Eichorn swore that Kelly did go to lunch in company with him and his brother; that, beyond that, Kelly invariably ate at the same table with them, and that he usually paid for Kelly's lunch. Kelly says that Eugene Eichorn gave him a bicycle; Eichorn says he merely loaned it to Kelly. The loan of that bicycle, gentlemen, occurred nearly two years ago, and according to Eichorn's testimony he never once has demanded of Kelly the return of that borrowed bicycle. Now, why should Eichorn give a bicycle to Kelly, the tally boy? We can see readily why he loaned him one, but can any one understand why he has not since demanded its return? It is not to be supposed that in this instance either Eichorn or Kelly acted without a motive, and that a selfish one, Mr. Chairman. Kelly's testimony is, and this is not denied, that during noon hours he had sole charge and superintendence of the receiving of loam.

Foreman Julius Weidener was in charge of this work during that entire summer, and very close to him in the discharge of all the work was his son, who was rated as a tally man and also one John J. Abbott. Kelly's testimony is that Abbott was continuously drunk, and that he was upon terms of

intimacy with Eugene Eichorn, and during working hours took frequent and extended walks with him. Also, that young Weidener seemed to realize and enjoy the condition of his father's supervision of work at this place and actually performed very little work himself. Abbott was supposed to sign many of the loam checks here, and Kelly testified that he objected to having anything to do with the issuing of these checks when signed by Abbott in a state of inebriety.

Now, certain things did occur at Marine Park during the summer of 1898, and before proceeding to the condition which existed there while Albert Eichorn was supposed to be supplying to the city eighteen thousand yards of loam, let us consider what we know of a certain coterie which comprised the Eichorns, the Weideners, Abbott and Kelly. Now, Albert Eichorn is, and has been, actually in the general contracting business. What his standing in the business community may be, I don't know, and if I did, of course I could not argue it here, as there has been no specific testimony upon that point. We do know from reliable and uncontradicted testimony that Mr. Eichorn at one time furnished at least one scow load of something, which might have been valuable as mud, in lieu of loam at the North End Park. Beyond this we can say nothing one way or the other. Eugene Eichorn, the brother, for six or seven months in the year engages in the fur business, and is employed by his father. He receives, according to his own testimony, twenty-five dollars a week. Just what he understands about the fur business I was unable to ascertain, and it really concerns this investigation very indirectly. For the rest of the year he is employed by his brother in the contracting business, and it doesn't appear from any source of evidence in this case that he is particularly familiar with any of the practical branches of the contracting business. The salary his brother allows him is twenty-five dollars a week. Now, it is fair to ask what this man does for his brother when that brother has contracts for supplying material?

Then we have Julius Weidener, who, as I have said, was on terms of personal intimacy with at least Eugene Eichorn, if not with Albert. Weidener's son, so far as this phase of the investigation goes, is a nonentity. Abbott's duties at Marine Park are not clearly defined, it seems to me, and according to much of the testimony he seems to have been permitted much leeway in his actions. And then we have Kelly — Kelly, the boy who didn't want to go to work as a tally man; Kelly, the boy who was picked by Mr. Shea for this particular work and sent there against his will; Kelly,

the boy with the miscellaneous criminal record, of which he says Mr. Shea — and this, gentlemen, is denied by Mr. Shea — was cognizant at the time he began his employment at Marine Park.

Now, Kelly made the acquaintance of the Eichorns on the fifth day of July, or the first day on which he worked in South Boston. Several days after, he says, the Eichorns began to take him to lunch, and that this continued almost without a break daily for six weeks. Now, it may well be that Kelly exaggerates in stating the number of times he lunched with these men. Eugene Eichorn says he never lunched in their company or upon their invitation. Albert Eichorn's testimony is that he did lunch with them many times, and that upon every occasion on which he saw Kelly eating in the same restaurant that he did, it was upon his invitation, and that he footed the bills. To take the word of Mr. Albert Eichorn, and to give these men the benefit of every doubt, let us say that Kelly did not lunch with them, the three Eichorns, every day during three weeks. Can you, gentlemen of the committee, or the Eichorns, or my brother Matthews, conceive why these men should take this expensive social interest in Kelly? Can you figure that out? To be sure, he is rather a charming conversationalist, and during the sessions at which he was present afforded great interest and considerable entertainment to us. But Mr. Eichorn is a business man whose time is somewhat valuable, and Kelly, remember you, Mr. Chairman, was merely a tally boy. He had nothing to learn from Kelly. They could possibly have no legitimate interests in common. There were many men employed here at this time, and it is not in evidence that Mr. Eichorn, or his brother, ever invited anybody else to lunch. So much for that, Mr. Chairman. Now, Kelly says, and it is a fact, that Eugene Eichorn bought quantities of liquor on to the reservation at Marine Park, and distributed it in flasks, not very generally, perhaps, among the men — but nevertheless he did distribute it.

This statement of Kelly's, Mr. Chairman, you will remember is absolutely corroborated by that of Martin Connelly, a man who, if my memory serves me right, was not suspended and who is at the present time in the employ of the department. Connelly was one of the most conservative witnesses to whom you have listened during the course of the entire investigation. I never saw the man, never talked with him, until he appeared here in response to my summons, and my first words to him were addressed after he had been sworn by you as a witness, Mr. Chairman. You will remember that

he gave his testimony carefully, almost reluctantly. You will remember that he failed to corroborate many of the things which it must have been perfectly patent to you that I expected him to sustain. But in his plain, honest manner he stated unequivocally that Eugene Eichorn did bring liquor among the men, and that he, Connelly, had partaken of it. Now, why was Eugene Eichorn bringing liquor among the employees of this department, and why was his brother Albert spending his money — and there is no member of this committee who can reasonably doubt that it was Albert's money — for the purpose of supplying liquor to these men during the hours in which they were supposed to be at work? According to Kelly, Abbott, the laborer, who was doing much of the measuring of loam, consumed the greater part of this liquor, and a great deal more obtained from some other source, as he was drunk about two-thirds of the time. Kelly was supposed to, and as a matter of fact did, have more to do with the loam books than any one at this place, and Kelly states that Eugene Eichorn made to him this proposition,— that Kelly should abstract between the hours of eleven and twelve in the day, when Kelly would have exclusive opportunity to do so, numbers of checks from the loam books and hand them to him. He further stated to Kelly that he had a contractor that would take and put the checks in, and that the bill would be presented to his brother Albert. A man of the name of Meany was the contractor so designated, and it was said by Eugene that the money drawn by Meany would be divided between the three — that is, Eugene and Albert Eichorn and Meany.

Now, it is ridiculous to argue that this scheme would be impracticable. The blank checks were signed by Abbott. Abbott was drunk or absent nearly all the time. Kelly could give these checks to Eichorn, and the resulting benefit must be perfectly apparent to any of you. It may be that Kelly has lied here as to this conversation, but do the actions of Eugene and Albert Eichorn render such a proposition improbable? Now, we have Kelly borrowing money from Eugene, and Eugene borrowing money from foreman Weidener in order to lend it to Kelly. Mr. Eichorn does not deny that he at times loaned small sums to Kelly, and Mr. Weidener testified positively that he had at times loaned money to Eugene Eichorn. Now, it wasn't improper for Weidener to lend to Eichorn, particularly as he says it was returned to him, and it wasn't improper for the boy Kelly to borrow from Eichorn or Eichorn to lend him, if he were so disposed; but, taken collectively and collaterally with these other circumstances, it

indicates that a perfectly logical and easily discernible system of jobbery existed at that place at that time. At one time the amount Kelly received from Eichorn was seven dollars, and as Kelly puts it, this was paid to him, not as a loan, but in return for certain checks illegitimately given Eichorn by Kelly. Eugene Eichorn was remarkably generous in the matter of supplying Kelly with holiday and picnic money, and Kelly testifies that in addition to these donations he was frequently the recipient of a dollar or two which, according to him, Mr. Eichorn described as a "tip." Now, Mr. Chairman, it is possible that Kelly has lied in many of the things he has said here, but Eugene Eichorn is the one man who cannot contradict him. Eugene Eichorn, Mr. Chairman, perjured himself on this witness stand, and it was perfectly clear, by his manner of answering the questions put to him by me, that he was a perjurer, even if his brother Albert in his testimony, which was at least fair and evidently honest, had not established that fact by directly and flatly contradicting him upon nearly every point on which Albert could possibly say anything. There is the perjurer, Mr. Chairman. There may have been two of them, but the man in which my brother Matthews takes such strong interest, Eugene Eichorn, perjured himself more clearly, more palpably, than any man that appeared on this stand. Eugene Eichorn's actions upon this witness stand were those of a common scoundrel confused, and, taking all the circumstances which you have before you in the evidence into consideration, and considering all the conditions existing, you must come to the conclusion that Eugene, if not Albert Eichorn was implicated in a system of fraud.

Gentlemen, do you believe that Eugene Eichorn ever asked Kelly to return him that bicycle? Do you believe that if it had been merely a loan, as Eichorn says, and that he demanded the wheel of Kelly and Kelly refused to return it that Eichorn would have permitted two years to elapse and have taken no steps to recover his own property? Has he since Kelly appeared on the witness stand here and made these statements concerning his (Eichorn's) testimony, made any effort to recover that bicycle? His right in the wheel, as my brother Matthews will testify, is still good, and his opportunity for procuring it is, I imagine, still good. Foreman Weidener had a small yacht which, according to his own testimony, Mr. Eichorn had at his disposal. Kelly says says that the first conversation in which fraud was broached took place on that yacht, in which he was taking a sail in company with, and upon the invitation of, Eugene Eichorn;

that Mr. Weidener knew at that time, and upon other occasions, that Kelly, during his working hours, was taking sails upon his boat with Eichorn. So far as Weidener could he denied this; Eugene Eichorn also denied it. But, gentlemen, you have again the general circumstances and the fairest probability to guide you in determining who lies. More than that you have the testimony of Martin Connelly. Kelly tells us of an incident in which a contractor by the name of McCarthy figured. This man had delivered, or had not delivered, certain loads of loam. He demanded tickets for these loads from Weidener, and Weidener refused to give them to him. Why? What reason did Mr. Weidener assign for his refusal? Was it that Mr. McCarthy had not delivered the loam, or was it that the loam was not of the proper quality? No. Mr. Weidener would not give him the tickets because Mr. Albert Eichorn told him not to. Now, gentlemen, what had Eichorn to do with Weidener? Why should this man dictate the actions of a foreman of the Park Department? And why should a foreman in the Department act at the beck and call of a contractor who was relatively in the same position as McCarthy? Now, here, again, there may be falsehood on Kelly's part, but why have they not contradicted it, and why has my brother Matthews avoided that point in his examination? You may rest assured, and I think it is hardly necessary for me to attempt to assure you, that Mr. Matthews has not passed over any point in the evidence for the reason that he hasn't seen it. Now, that is a small incident, and not very weighty, but it does constitute another link in the chain of testimony of these men. Why was it that but few of the contractors who supplied loam at Marine Park under the Eichorn contract made out their own bills? Kelly testified that he made out bills running from certain contractors to Albert Eichorn, some of them being made out at South Boston in the shanty with Eugene Eichorn, and some at the homes of the contractors after working hours. He testified to having made out a bill for the benefit of J. J. Kelly, and to having made out a bill for Timothy Lynch. You will remember that I produced from the papers brought in by Mr. Eichorn a bill from Timothy Lynch which Kelly could not identify as having been made by him, but was fairly positive that it was in the handwriting of one of the Eichorns. He identified a bill, which you have among the exhibits, made out for Mark Lynch, a contractor. He also out of two bills running from Contractor J. J. Kelly, identified one as being in his handwriting, and remembered that that bill was made by him late

one night in Mr. Kelly's house, where he went upon the suggestion of Mr. Eichorn, and under promise of compensation. That you will find in Exhibit 4. Altogether Kelly identified five bills as being at least in part in his handwriting.

Now, upon cross-examination, Kelly realized that one bill running from Michael K. Leahy was not in his handwriting and it was excluded. A very slight, if any, unfavorable construction can be placed upon this action. Upon Exhibit 4, being a bill signed "J. J. Kelly" on some slight and immaterial point Kelly admitted that he had been wrong in his direct examination, but he did find that a part of this bill or the sheet attached to it was in his handwriting, and no feint or turn of Mr. Matthews' skill could do more than slightly confuse him. The fact stood just as it did in his direct examination. There were two bills made out from Mark Lynch. One of these Kelly identified as being in his handwriting, and on cross-examination changed his testimony, saying that this bill was not in his handwriting but the other was. In this we have simply a very slight and easily understood confusion, and nothing more.

Now, you say, what had these transactions to do with the Park Department, or any of the officials of the Park Department at that time? Of course, upon the face of it, it would appear to be a perfectly legitimate transaction, although a somewhat suspicious circumstance, that none of these contractors, however ignorant themselves, could not obtain some clerical assistance without going to a boy connected as Kelly was. But the inference to be drawn in this particular case by you — and it is proper for you to draw it simply upon the strength of the numerous other suspicious conditions existing — is that none of these contractors for whom Kelly made out the bills ever delivered as much loam as would appear upon their face, and that the Eichorns never settled at the figures set down on them. Now, it ought to be perfectly plain why the Eichorns should follow this system. The Eichorns simply had these raised bills to form a backing for the fraud which they were practicing at that time, and to which a number of the employees of the Park Department, some of them perhaps innocently, others to a greater or lesser degree, were parties.

In October, of this same year (1898) Kelly decided that he would go to New York. To put it in his own words, he got tired of working. Eugene Eichorn gave him five dollars, to pay for his transportation. Eichorn says he didn't. There, again, you have the conflict of testimony between two men, both of whom must have satisfied you that they were guilty of

lying at one time or another. Now, what are the probabilities? Here you balance the probabilities again. After Kelly had been in New York four days, that tired feeling came over him again, and he longed to be home. He had not his fare, and knew nobody in New York to whom he might look for assistance. What did he do? He telegraphed, and we are indebted to the distinguished counsel for the Park Commission for a copy of that telegram. Kelly telegraphed from New York on October 29, 1898, addressed Mr. Eugene Eichorn, at 73 Kingston street, Boston, in these terms: "Have lost my ticket. Please deposit my ticket with ticket agent, Boston, and ask him authorize ticket here. William Kelly." And in the words of Kelly, Mr. Eichorn "couldn't come quick enough" to the depot to deposit a ticket to get him back to Boston. You remember that the defence produced another William Kelly, a traveling man, and a friend of Eichorn, who identified this telegram and recalled that on a Sunday afternoon in October of two years ago Mr. Eichorn called at his house and asked him when he came home from New York. He said he had returned the night before, and in answer to a question of Eichorn replied that he had not telegraphed to him, (Eichorn) for his fare. This second William Kelly has known Mr. Eichorn about fifteen years, and has been, according to his own testimony, upon terms of intimacy and friendliness with him. Upon my cross-examination, you will remember that William J. Kelly admitted that he had not seen Mr. Eichorn for several months prior to the date of that telegram, and that Eichorn could have no possible means of knowing whether he was in Boston, New York, or anywhere else. Eichorn received that telegram from New York on a Saturday. His action upon it, if we are to believe that he did not really understand it was from Kelly, the tally boy, was remarkably spontaneous. He exercised no element of caution that any man used to the ordinary customs of business would use. He telegraphed the desired ticket money immediately, but after telegraphing, it appears in the testimony that he goes around on the following day to look up Mr. Kelly, his friend. Why? If he thought he had telegraphed that money to his friend, why should he go to his house the day following, hardly allowing time for him to arrive home on the ticket that he had telegraphed him. Why should any suspicion disturb his mind at that time? Why should he imagine that any other William Kelly would telegraph to him? Gentlemen, he knew that Kelly, the boy, who had been assisting him all summer in a scheme of fraud against the city of Boston, was in New York, knew it,

because he had supplied the money with which to carry him there; knew, when that telegram reached him, that it came from that same Kelly; and knew that the only safe course for him to pursue would be to accede to that request, which to him, knowing in what relation he stood to Kelly, was an absolute and irresistible demand. Why he went around to the house of the other Kelly none of us can certainly say. It may have been a cover. It may be that he thought he had sent it to the wrong Kelly; but, gentlemen, the wrong Kelly in his mind at that time was not Kelly, the tally boy, but Kelly, the travelling man. Kelly, the travelling man, had never before asked Eichorn to telegraph him a ticket or money, or assistance in any form, nor had he ever asked him any favor while at home. Eichorn was intelligent enough to know that this Kelly could at any time call upon the house that he represented for any expenses for transportation that he might require.

Gentlemen, I don't care what your opinion of Kelly may be. I am going to ask you to determine the color of this transaction in loam at Marine Park upon facts. I am going to ask you to apply ordinary logic to the circumstances which we know actually existed. We know that these favors were not extended by the Eichorns to Kelly, an absolute stranger, and inferior in station, whose habits and desires were entirely foreign to theirs, without some consideration. That is only a reasonable deduction. Kelly had served time for several petty frauds, and Kelly was prone to be dishonest; but Kelly was clever, and these two elements were just what the Eichorns needed in an ally to carry out their fraudulent practices at that place. Upon whom do dishonest men depend for dishonest work? Would it be upon an honest boy, or would it be upon a dishonest boy such as Kelly, whom they could handle for the gift of a bicycle, or for a few dollars with which to enjoy himself upon a holiday or at a picnic? Kelly confesses to you that he did dishonest things at Marine Park. You have listened to Kelly, and your ability to analyze human nature must assure you that if there is one thing which Kelly is not, it is stupid; and if Kelly was "crooked" it was certain that some benefit must accrue in which he might share. If that fraud was perpetrated, then there never were delivered at Marine Park the number of yards of loam contracted to be delivered, and for which the city actually paid.

Your committee employed a civil engineer, Mr. Frank A. Foster, to make soundings at Marine Park during the pendancy of this hearing and report upon the depth of loam. It

is, Mr. Chairman, an absolutely immutable rule of law that counsel shall neither contradict nor repudiate a witness whom he himself has called. But it is fair for a tribunal, hearing the testimony of various witnesses, and considering the different and varying facts adduced, to give every item its own due weight and importance. Mr. Foster reports an existence of an average depth of loam of one and eighteen-hundreths feet, and that the total number of cubic yards as measured on the ground today is 13,941. Allowing for the shrinkage of the loam since it was put on the ground, which he fixes at twenty-five per cent., he found 17,425 cubic yards. Over eighteen thousand yards were supposed to be laid there. Mr. Matthews enters here with a mythical and mathematical proposition, the mathematics affecting the percentage of shrinkage and the myth the washing away of certain loam. Gentlemen, if it were necessary for the preservation of the personal welfare of certain subordinates of the Park Department, they would have had the whole of Marine Park washed away. That loam, of which we have heard, on the beach, was placed six feet above the high-water mark, and allowing that some of it was washed away in the flood, it amounted to very little. My brother Matthews, before he got through in cross-examining the engineer, had practically succeeded in showing that the generous bicycle-giving, ticket-sending, lunch-giving Eichorn had made a present to the city of Boston of several thousand more yards of loam than their contract called for or that they were ever paid for. That sounds like a business-like proposition, doesn't it? I would request the committee, in considering the matter of their expert's soundings, to read the examination made by Chairman Norris, the text of which can be found on page 1022 of the appendix. I ask the committee to give me the special consideration of reading that examination by your Chairman.

The Park Department — and I will get over this as briefly as possible — had some dealings with one John McShane. Mr. McShane, in 1898, had a special contract for supplying filling at what is known as the Neponset Playground. At the beginning of his contract, he disposed of six hundred yards. The agreement was made with Mr. Pettigrew in the latter part of March. Two or three weeks thereafter he began to deliver the material at sixty-five cents a yard. At that time, according to Mr. McShane's testimony, sixty-five cents was a better price for filling than any other contractor of whom he knew was receiving for the same stuff, but he considered it fair, because there was some considerable ex-

pense and difficulty attendant upon the agreement, including ing the building of a roadway into the meadow in which the filling was to be dumped. McShane used his own teams in hauling, and used but few double teams. Mr. McShane is a man who is densely ignorant, and whose ignorance in this particular instance seemed to have been turned to his advantage. According to his testimony, he kept no books or accounts, and simply retained the checks for filling delivered until it became time to cash them at the Park Department.

Kelly, the tally boy, was sent to Neponset and there acted as tally boy and upon a small scale, according to his own testimony, as a foreman. He said that he had at one time under him a gang consisting of two men. This statement called forth much derision from the gentlemen on the other side, but it was subsequently proved that he actually was the superior officer in charge at one time, and that he did direct to a certain extent the movements of at least one or two men. He also had much to do with the loam books. Now, here, at Neponset, as at Marine Park, Mr. Kelly developed an intimacy with the contractor delivering the filling. Here, he had that same faculty of acquiring lunches that he had at Marine Park, and used frequently to go to lunch at noon times to the home of McShane, and to go also to dinner at the home of McShane. McShane said, in explanation of this, you will remember, that he kept boarders, and that Kelly agreed to pay him for the food that was furnished him. But you will remember very distinctly that Kelly continued for rather an extended period to eat at McShane's house, and nobody claimed that payment was ever demanded of him and Kelly never volunteered the payment. Kelly on Sunday would go upon little jaunts with McShane to the Squantum Inn, where he regaled himself, at the expense of the contractor, taking among other things large potations of imported ginger ale. This, in substance, was the relationship of Kelly to McShane. After McShane got in his first consignment of filling to Neponset, Mr. Pettigrew awoke to the fact that he was paying to much money to McShane for filling, and suspended all business dealings with him. Later they were resumed upon the basis of forty cents per load, and Mr. McShane found it profitable to continue to deliver loads to the park at that price. McShane received all his checks for filling from Kelly, and also received checks which were not for filling from Kelly. Kelly told Mr. McShane that he was ambitious to take a college course, and the evidence would seem to clearly show that McShane decided to aid him in his ambition, and incidentally profit himself by the operation.

To quote Mr. McShane, he thought Kelly "was quite a smart little lad to be doing so much writing as he was doing." (Laughter.)

At the time when Mr. McShane's business with Mr. Pettigrew was finally discontinued, McShane presented to the Park Department to be cashed, about 800 more checks than there were loads of filling actually delivered. That action was so gross, and the margin of difference was so broad, that even the administration at Pine Bank was aroused to the fact that something irregular was going on, and consequently no settlement was made with Mr. McShane. McShane then went to the office of Mr. John B. Moran for the purpose, as he said, of having his accounts audited. I think Mr. Moran is sufficiently well known in the community to have it understood by this committee that he is not an expert accountant — that he is not a professional expert accountant — and that the clerical force in his office devotes its energy and time to law work, and not to book-keeping. When the matter was adjusted, the Park Department succeeded in avoiding payment on these fraudulent checks, and McShane paid Mr. Moran for the balancing of his books. How these eight books, containing one hundred checks each, came into the hands of McShane isn't quite clear. Kelly has said that he didn't deliver them to him, and that he made out but very few of them. Kelly speaks of seeing McShane's wife and his young niece and a serving woman at work filling in blank checks. Mrs. McShane, according to her husband's statement, does what little book-keeping he finds necessary in maintaining his business. There can be no doubt that McShane was thoroughly dishonest, and if his stupidity had not induced him to go into the business of cheating the city on such a gigantic scale, he would undoubtedly have defrauded the Park Department of a great deal of money — and we cannot safely say now, Mr. Chairman, just how many checks for filling were given by Kelly illegitimately before this attempted fraud was discovered. Kelly was in collusion with McShane, and Kelly was an employee of the Park Department.

Where the department officials are to be held responsible in this instance is in the careless issuance of these checks. Mr. Pettigrew and his subordinates at Pine Bank knew, or in the course of their duty should have known, that the total supply of filling required and agreed to be purchased from McShane was not by any means sufficient to make resonable the sending of so many blank checks to anybody at Neponset, and it is a disgusting commentary upon the loose system

which prevailed at Pine Bank in the picture that we have of a whole family of McShanes and their servants sitting about in their home filling out loam checks for filling which never, in a well conducted system of parks, would have left headquarters except for actual value received.

Mr. Chairman, let me briefly call to your mind witness Michael McNulty, now on the working list of the Department and disguising himself as watchman in charge of roads. This man received $2.75 a day, and has for the greater part of the past year or more actually been a sub-foreman, working contrary to civil service rules, and at times bossing on important work a gang as large as forty men. His experience and education do not justify the superintendent or general foreman in allowing him to perform the work he is called upon to do in that position, and it would seem to be only fair that, in view of the recent suspensions, such a man should be obliged to confine himself simply and solely to the work for which he is being paid, and that is a watchman on roads.

Now, to come to Professor Sargent, I intend to touch upon that subject briefly, and, at the same time, to treat him as delicately as I did in my cross-examination of him. To approach with all due respect the great Sargent, Mr. Chairman, I want to say this, that it is my opinion that upon the subject of the peculiar care with which our trees have been treated, and the manner in which plants and shrubberies have been arranged, or disarranged, we are quite as much in the dark at present as we were at the outset of this inquiry. We have seen Professor Sargent, and we have listened to him. We have had the benefit of a trip through our Park System, which I might say was almost personally conducted by that learned authority, and the actual result of our experience with the Professor is that some of us imagine that we now have a vague idea of what his theory is. And the idea of many of the witnesses who appeared before you was that Professor Sargent's theories are wrong. So far as the care of the trees and their arrangement in the parks is considered, Professor Sargent is admittedly the right arm and the mind of the Commission. His rule is without much question arbitrary, and it is my opinion that this is as it should be if Professor Sargent's ideas are right. I think, Mr. Matthews' statement, that the criticisms which have been made of this great expert's methods has been in the mass puerile and unthinking, is unwise and narrow almost to the point of being of itself unintelligible. It doesn't necessarily follow that because Charles Sprague Sargent stands recognized as the master mind in this line of thought, that he has any monopoly upon either the intelligence or the education upon this sub-

ject. It is not to be supposed that any man of the wealth and position and wonderful intellectual development which he has, and who has devoted the entirety of a long, well directed and beautifully preserved life to the mastery of any single subject of science or art, can wander very far from that ideal which the course of that life itself must inspire. The Professor knows the tree; knows it in its ancestry and life. Now, he has certain rules for the treatment of trees — and those rules may be right, or may be wrong. Personally, I have not been able to determine from the evidence that has been presented here whether he or his opponents are right on the matter of tree cultivation; but it does seem to me, Mr. Chairman, although it may strike many of our superior friends that it is heresy, that it is possible that Professor Sargent is fallible, that it is possible he has made mistakes, and that it also is possible that such educated men as Mr. Winslow and Doctor Barnes — who certainly talked as intelligently upon the subject as Mr. Sargent's friend from New York, Mr. Parsons — should be credited with possessing some little intelligence. I think my brother Matthews goes to extremes in speaking of what he terms the "crank." Now, the "crank" — to suppose these men to be cranks, for the sake of argument — has his place in our world of activity. The "crank" kicks, and he is generally kicking at something that should be kicked at. Now, in this case, no matter what the standing of Prof. Sargent may be, no matter how thoroughly versed he may be in his particular study, nor how intellectual he may be, I am not willing to believe that Doctor Barnes, Mr. Winslow and the other gentlemen who have troubled themselves to come here and give us the advantage of their opinions, can be entirely wrong.

The subject of just what should be done with trees and plants is very thin ice, Mr. Chairman, for any man who is not thoroughly educated in the subject to touch upon. Personally, I would not presume to gather, in the course of eight or ten days, any comprehensive idea as to just what theory Mr. Sargent has formulated after an exhaustive study of a period of more than forty years. Of course, we understand that trees must be cared for. I have read somewhere — I may not be exactly accurate — that there are tree experts who permit trees to grow without interruption or care, and that the trees in many instances do remarkably well. Then, we have on the other side tree culturists who assist nature in developing the tree as nature intends it should be developed and formed. Then there is a class of tree culturists, I have understood — and probably the greatest in the

world are the Japanese tree culturists — who dominate nature, who compel nature to do this or that with the tree, and who make the trees grow in distinct forms, which, because of their peculiarity and the natural beauty of the material of which they are composed, present a remarkably striking feature. I think, as one of the committee has said, that while in dealing with the human body doctors are necessary, nature has a fairly successful way of dealing with her offshoots.

Now, you understand that I am more or less deferential to Professor Sargent. I heard him speak here, and his very style of conversation impressed me that the man is a genius; and if we have failed to find out anything from Professor Sargent — and as a matter of fact we have not found out anything from him — it is because there is nobody here, and possibly there is nobody within the confines of the State, who was capable of questioning him intelligently upon his specialty. It was easy to understand, it was easy to examine, it was easy to fathom, Mr. Parsons. He was ready. One could see that he had read the signs. Professor Sargent spoke in an entirely different strain, and showed that he possessed ideas which, while we could not exactly comprehend them, we knew to be ideas of value.

The Professor has critised the Park Commission for not carrying out his ideas of tree thinning. And upon that point, if the Commission leans upon Professor Sargent, if it is going to depend upon him, why not follow out his ideas? Certainly no better can be obtained. Now, Professor Sargent appeared here, and I say again, Mr. Chairman, that while none of us appreciated just what his ideas were, while none of us got any distinct idea of what information he intended to impart — if he intended to impart any — we all, I think, felt respect for the man and his ability. He did not give me much information, for during my examination of him he spoke to me almost exclusively in brilliant monosyllables. But we sat around here, impressed by that atmosphere of genius. We sat around here with much of that reverential awe of those persons who in the eastern world sit before some great bronze Buddha. I made up my mind that night, Mr. Chairman, that if you, or any member of this committee, or anyone within the sound of my voice, were to accept the theories, were to accept the principles of Professor Sargent, they would have to accept them as they accept the evangelical religions — purely upon faith — because they never would understand them. So much for Professor Sargent. It is not proved either by Professor Sargent's

testimony or by any thirteen-volume book of his that Doctor Barnes is wrong. It is not proved by his standing in the community or in the intellectual world that nobody else can possibly have a beneficial idea upon the subject of tree culture.

Now, it seems to have been the policy, or, rather, the disposition, of those in charge of the Park Department to give away material for which they had no immediate use, rather than to store it for future purposes or to find a purchaser for it. Now, the only way the committee can intelligently solve the question of what it was proper to do with this material is to ask themselves this question: What would I do if I had that quantity of that same material? The question is what the cautious man would say to do with similar materials if the question arose in the course of his own business; and if it would have occurred to a man in the course of his own business to preserve these things, then it should have occurred to him far more strongly if he were handling the property of somebody else. I have in mind the case of Coleman, the contractor, to which Mr. Shea personally testified. Foreman Coulter upon Mr. Shea's instruction gave to Coleman from three hundred to one thousand yards of gravel, merely for the sake of its being carted away. Mr. Shea contends that the Park Department reaped a financial benefit from this transaction, but I cannot agree, nor do I think you can reasonably agree with him in that contention. It might have been used for filling, and was subsequently used by Mr. Coleman for filling in a street under a contract with another Department of the City of Boston. This Coulter, as I have already said, is now working as a laborer, but this may be said with regard to his case, — that he passed a civil service examination, and, so far as we know, was competent to occupy a position as foreman; while McNulty, at the present time receiving more wages and performing a superior order of work, never passed a civil service examination, and is incompetent to hold the position for which he is receiving the salary.

You will remember, also, a witness named Fischer, an expert gardener, and a son of that gardener who in the earlier days of our park system performed work of unquestioned excellence under the great direction, and in conjunction and harmony with Frederick Law Olmsted. Mr. Fischer was a candidate three years, when Mr. Coler left the department, for the position of head planter, a position for which he was fully qualified by an experience in practical gardening and study from childhood. Through some influence, and influence not very difficult for us to locate, Mr. Dawson, who

had about him a glamour of a term of service or study at the Arnold Arboretum, was given that position. Since Mr. Dawson's appointment Mr. Fischer has worked faithfully and well in the parks, and upon Mr. Dawson's recent retirement by resignation from the service of this city, Mr. Fischer again became a candidate for the position of planter. At the present time a man named McNulty, whose first name hasn't been disclosed in evidence, is acting as head planter, although he does not enjoy the title, and it is not understood that he has as yet received the salary which goes with that office. But it is a fact that Mr. Fischer is to-day a subordinate to this man, and, in that connection, obliged to take orders and carry out certain ideas — limited, of course, to the execution of plans laid out by his superiors, but taking orders from a man who is plainly, by reason of his lack of experience, unfit to be head planter in our parks. This McNulty has been in this country but a very few years, six at the outside, and his education and training for the work of gardener, or at least his original experience in this country was put in at a twine factory in Jamaica Plain. Now, gentlemen, is that a policy of administration that is calculated to best subserve the interests of our municipality in the promotion and nurturing of a great park system?

Two or three shanties which have been condemned by Mr. Shea in the past year or so have also found their way out of the assets of the department in much — in fact, in exactly the same manner — as the gravel. These items are inconsequential of themselves, but they show a lack of system and a gross waste, and I think you will agree with me that in order to have a perfectly successful administration of any large department, perfect system is absolutely essential. I think, perhaps, the idea of dumping material into ponds is somewhat better than giving it away, for the reason that in those cases we at least know where to find it, if we ever have occasion to use it.

We have somewhere in the evidence testimony of a night watchman, acting in a minor degree in the capacity of an engineer, and in the course of his work tending one or more boilers. I lay no great stress on this, but it has its own minute importance, and as a departmental detail is worthy of your consideration.

Do you remember, gentlemen, the testimony of Mr. Allen, and about Mr. Allen? It was discussed at length this afternoon; so I shall not go into it at great length. Mr. Allen is the young man who acts as stable boss in Franklin Park, and it has been charged against him that for a period of three

weeks or more he stabled a horse of his own at the park stables, and at the expense of the department. Upon the matter being called to the attention of Mr. Shea, the horse was removed to a stable of his own — that is, Mr. Allen's — where we have fairly reliable evidence that feed was taken from the park stable for the animal's consumption.

The only instance we have of any shanty in the Park Department being the subject of a bargain, which by the way was never completed, was when Jeffery offered twenty-five dollars for a shanty, which, at the time the offer was made, the department had no use for — and it is not in evidence it has any good use for it at the present time.

The burying of certain edgestones at the Back Bay Fens has been brought to your notice in several forms, not only in the testimony, but by Brother Matthews this afternoon, and will be considered by you, I have no doubt, with the weight which the importance of it demands.

Another item of evidence which speaks eloquently for itself is the disposition made of the wrought iron gates in Franklin Park, which were removed, plainly for reasons of public safety. The original cost of these gates, net, was $896.70. They were sold for $46. There is no comment required upon that.

Now, gentlemen, to approach the closing of this argument, I suppose the briefest and most intelligent way in which to collate the evidence with regard to the Commissioners is to take first the staff, to which must be delegated in all such bodies the ministerial work of the system. And while I am upon that topic, I have some things to say concerning the Secretary of the Commission, Mr. Clarke, who has been constantly in attendance at these hearings from the beginning and of whom you have seen much and from whom you have obtained so very little material information. Mr. Clarke is the salaried officer attached to the Commission, and is compensated for his more or less valuable services at the rate $3,500 per annum — am I right, Mr. Stratton?

MR. STRATTON. — Three thousand dollars.

MR. LUNDY. — He has served with the Commission since its institution in 1875, and I think from his appearance before the Committee and from the condition in which we found him, it is fair to argue that this is probably the first occasion upon which he has been aroused to any semblance of activity during that period. Question after question, asking for proper information were put to Mr. Clarke, and I leave it to this committee whether those quiries were fairly or intelligently answered as a general thing. Now, Mr. Chairman, I maintain that it is a psychological fact that no man

can be a part of any official machine for a quarter of a century and breathe the air of intelligence and information which must necessarily occasionally pervade such an organization, without being inoculated with it; if not with any original thought, at least with some knowledge of things that surrounds him. Knowledge is infectious, and even the hardest and most nearly impenetrable brain will become affected in time.

I have questioned Mr. Clarke upon almost innumerable subjects with which he should be more or less familiar, and the responses and intelligent answers that I have received, or that have been received by Mr. Matthews, or any member of this committee, are so few that they are worthy a special report. I cannot believe that Mr. Clarke's defect is inefficiency, because that seems to me to be, under the existing conditions, impossible. I attribute it rather to an arrogance, a spirit of insolent independence, born of long and uninterrupted possession of public office. Mr. Clarke's duties are extremely light. As I remember it, he writes upon an average not more than ten letters a week. He records the minutes of Board meetings, and it seems is very strenuous at least in his signature. Beyond this we are given to understand that he makes some memoranda of real estate transfers, and occasionally has to engage in a few minutes' conversation with some plain citizen who has the audacity to inquire into the doings of the Park Commission to which he is contributing something now and then in the way of a poll tax. Now, it would seem that Mr. Clarke, with so much time upon his hands and so very little business upon his mind, might have given to this committee, if he does not give to the public generally, the courtesy of attention. In reply to questions, Mr. Clarke demonstrated that his memory is very bad, and he demonstrated this only in cases where he found it impossible to evade responding at all to the questions as put.

Mr. Stratton, the Chairman, who gives considerable time to the practice of law, and who, I imagine, has varied interests along other lines, tried to and succeeded in answering about one hundred questions to one that Mr. Clarke answered. During the whole course of the investigation, I recall but one well defined piece of information given us by Mr. Clarke, and that was that during the past year, of all the hearings granted upon matters with which the Commission was concerned, but one instance was recorded in which the Board arrived at a decision favorable to the petitioners.

As I have said, I know very little, and have been able to learn very little, concerning the thinning of trees, but I want

to go on record as being heartily in favor of the institution of a thinning-out process of the staff of the Park Board.

Mr. Stratton, the Chairman of the Commission, has shown a polite willingness to oblige your Committee in furnishing all the information that he had, and that all must admit was quite extensive. His grasp of the details of the matters carried out by his Commission for a period covering three years was nothing short of remarkable. Mr. Stratton has demonstrated that he is, in the purest conception of the term, a gentleman — something that isn't any too plentiful at the present time, Mr. Chairman, — and is, I should say, an able lawyer, — which is something which we don't find attached to every green bag. Mr. Stratton has brought to the duties of his office intelligence, integrity, and an ambition to achieve well for the people to whom the parks belong. But whether from gentleness of character or overconfidence in the honesty of purpose of those with whom he has been forced to come in contact in the business of the Department, the administration of affairs of the Board since he assumed the responsibilities of Chairman, have not been to the best advantage of the public. Individually, the Chairman seems to devote a great deal of time to the work of his Department, and would seem to bear the burden that might be divided more evenly between himself and his two colleagues, while taking up the work which is properly within the province of his paid secretary.

As the hour is growing late, I shall pass over as briefly as the importance of the subject will permit, a few of the acts of this body during the past three years which truly merit some public censure and I think call for some action upon the part of this committee at this time. First among them is the ceding of valuable franchises and privileges to persons who were non-residents of Boston, and who had no interest in its welfare, and giving no fair value in exchange for the opportunities to acquire large profits.

I have in mind first the lease given by the Board to Mr. L. E. Bow, — a resident of some village or town outside of Boston — of the Head House, at Marine Park. The tenure of the lease is four years, from 1897 to 1901, and provides that Bow shall have the exclusive right of furnishing refreshments at that place. One of the gentle stipulations made upon the lessee is that he shall keep open from eight o'clock in the morning till eleven o'clock in the evening on each day between May and October, and shall supply to all persons applying therefor and paying the prices approved by the Board, such refreshments as shall be required by the Board

to be furnished therein; shall keep the premises clean, heated, etc. Beyond this Bow shall do certain other things for the benefit of the public paying the price. The schedule of prices for bathing privileges, etc., which should be absolutely free to the public, is provided. A similar contract has been granted the Boston Park Boat Service Company, giving that company outrageously broad privileges, and giving it opportunities that responsible men of this city should have been given an opportunity to bid for. I think myself that it is quite probable that there has not been any great profit derived by either of these men, or by either of the companies in interest, but there is no doubt in my mind that Mr. Bow, who has the privilege at South Boston, should be obliged, under ordinary business rules, to pay something for the immense floor space which he there occupies.

I do not wish to repeat the experience we had at the last hearing, of walking out of the room only a short time before the day was breaking, so I shall omit many of the things which I had in a way made up my mind to say in argument. I do wish, however, to say a few words upon the system of the playground purchases that has been in vogue during the past three years, and I refer more particularly to those transactions which have engrossed the attention of the Commission during the past year. There are two transactions, which, to my mind, were not conducted with any degree of caution or — well, common business ability — by the Commission. One is the taking of the Columbus-avenue playground, and the other is the taking of the Ashmont playground. Now, it is quite possible, Mr. Chairman, that both of those playgrounds are considered valuable for the purposes for which they were taken. It is quite possible that, when the Board gets through paying for the Ashmont property, it will be found to be valuable at the price which they paid. I have much doubts upon such futurities as that, however. But in considering the Columbus-avenue playground, I desire you to bear one thing in mind in reviewing the evidence. Bear in mind the zealous interest shown by one James H. Stark, whom you will find referred to as acting in the same capacity some time ago, when they took the Neponset playground. Examine the petition for the taking of that Columbus-avenue playground, and then ask yourself how many of those names represent a single person. You can read it in the characteristics of the writing, alone, Mr. Chairman. Then ask yourself, Mr. Chairman and gentlemen of the committee, how many persons ever cared whether there was a playground in the vicinity of Columbus avenue or not. Now, the taking of that Ashmont playground, even if they did only take 90,000

when Mr. Costello wanted to sell them 200,000 feet, was an outrage. There were already in the Dorchester district more playgrounds than they knew what to do with. That may be an extreme statement, Mr. Chairman, but you know what I mean. Playgrounds are mostly called for where breathing places are absolutely required — and the purity of the air in Dorchester is unquestioned. There are places in this city where breathing spaces are vitally necessary. If this Commission had taken that money which they have exhausted simply to suit the whims of one particular man and had put it into some playground in a section of the city where it would have been of some benefit, they would have been rendering to the public a service for which the public should have been eternally grateful. Those purchases were due to the whims of one individual, or, as Mr. Stratton put it, to the "remarkable enthusiasm for playgrounds," as displayed by one man. Consider the fact that on this Park Board you had first Mr. Stratton, the lawyer of the Board, its Chairman, who had had an experience of three or four years as a Park Commissioner, and who had had experience as a lawyer, at any rate to a certain extent, in dealing with real estate; that upon that Board was Mr. Pratt, an old business man and an experienced Park Commissioner, and Mr. Prendergast, whose name is conspicuous as a great financial influence in Boston, and than whom there is perhaps no keener business man in Boston. I regret that I did not have the opportunity of examining Mr. Pratt, because of his illness, but both Mr. Prendergast and Mr. Stratton testified that they did not want that playground at Ashmont, and that they did not think it advisable to take it, but that they had been practically forced to take it at the price which the owner named, which was all the way from twenty to seventy per cent. in excess of the valuation. The Mayor, with his unbounded enthusiasm for the purchase of playgrounds, his perfect passion for acquiring lands at exorbitant amounts above the assessed valuation, said to take this land, and, as a compromise, they took a part of it. Now, there is a waste of money. To be sure, it has not been paid for yet. The case will go before a jury before it is paid.

Right here, there is one other point which I wish to refer to, and which I had intended to refer to earlier, and that is the specimens of trees produced before the committee. It is perfectly plain to the committee that in producing that specimen here (referring to Exhibit 100), of a tree which he claimed to be eighty years old, Mr. Matthews did not produce a fair average specimen from the wilderness, growing in the same soil that that did, according to Professor Sargent's own testimony.

I simply point that out as an exception to the general disposition to be fair which the defence has shown.

Mr. MATTHEWS. — I think Mr. Sargent stated that there were larger trees than Exhibit 100 in some parts of the Wilderness, but there were none in that part from which that speciman was taken.

Mr. LUNDY. — Well, I possibly misstated that, Mr. Matthews. Now, they brought in here figures in regard to land cases settled by the Commissioners, settled by the Law Department, settled by the Law Department in conjunction with the Commissioners, and settled by trial. As it was brought out in the cross-examination, however, the first three classes of cases, those settled by the Commissioners, those settled by the Law Department, and those settled by the Law Department in conjunction with the Commissioners, all, by reason of statutory provisions are settled directly by the Commissioners. It is not fairly presenting the case to you.

Now, in reference to Mr. Conry's examination of the books, it is true that, as Mr. Matthews said, he found the books of the Park Department to be in the condition that he expected they would be in. He found that there had been perfect integrity there, and no dishonesty. But he did find some things to which he objected. The gentleman who acts as book-keeper also acts as purchasing agent, and while Mr. Conry was very strenuous in stating that in his opinion Mr. Ogden was a man of the highest integrity, still he pointed out to you the danger of a system which permits the man who purchases supplies to make original entries of those purchases upon books of the people for whom he is acting.

Now, consider all those things. What, briefly, has this investigation accomplished? It has not been altogether absurd, as my brother Matthews would have you believe. I hope that the committee were not entirely swept away by the delightfully contagious argument of Mr. Matthews, which ended up with a plea for an increased appropriation. One would have supposed, from hearing him sum up his case, that the only thing that you would have to consider was how much they would be given for maintenance next year. Now, that is not the question. It may have slipped the minds of some members of this committee, but there has been an investigation on foot, and there has been some evidence adduced which is somewhat derogatory to the commissioners.

Now, something must be done, gentlemen. You have got to remember, in arriving at a conclusion in this case, that a certain responsibility rests upon you, and that the public eye

is upon this committee. It does not necessarily follow, in order to justify the committee's investigation of this particular case, that it should find against the Board of Park Commissioners. No. And it is not a fact that the whole affair has been so absurd that you, Mr. Chairman, or any of your colleagues, would shorten your public life by deciding to remove the Commissioners, or to recommend their removal, or to recommend any other proposition which might occur to your minds. But whatever decision this committee arrives at, it must be arrived at after deliberation and with due consideration for the interests of everybody concerned, whether it be the citizen, the plain, common citizen, who has made so much complaint of this system, or whether it be the member of the Commission who has acted with an honestyof purpose and with integrity, giving his time without compensation to that office. No matter whom you consider, Mr. Chairman, you must weigh the evidence that has been put in. It is your duty to read it and digest it, and arrive at a fair conclusion to all parties concerned.

Mr. Chairman and Gentlemen, I thank you for the consideration which you have shown me.

The CHAIRMAN. — Does Mr. Matthews desire to make any argument in rebuttal?

Mr. MATTHEWS. — No, sir.

The CHAIRMAN. — This hearing has now come to a close. The committee desires to thank its counsel, Mr. Lundy, for the able manner in which he has conducted this affair, and also to thank Mr. Matthews, counsel for the Commissioners, for the able manner in which he has conducted his side of it, and for the courtesies which he has shown to the committee. The Chair desires to thank both counsel for the courtesies shown to him, and also for not getting the committee into any parliamentary or legal wrangle. The committee desire to thank the Commissioners for the courtesies which they have shown to the committee, and for their willingness to testify themselves and to produce any witnesses desired by the committee. The committee desire also to thank the members of the press for their attendance at the hearing, for the close attention which they have given to the testimony, and for the fair manner in which they have reported it. The investigation has now come to a close. I think I can truthfully say that it has been conducted without any feeling on the part of the committee, or on the part of the counsel on either side. The committee will take the matter under advisement, and will report at a later date. The committee stands adjourned.

Adjourned at 11.12 P.M.

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ERRATA.

On pages 1282 and 1283 — *For* Coler *read* Koehler.
On page 1314, line 12 — *For* Bolles' *read* Dole's.
On page 1322, line 2 — *For* prevented *read* resembled.
On page 1327, line 1 — *Omit* "laid."
On page 1401, line 20 — *For* rotten *read* rot.
On pages 1402 and 1403 — *For* saguaro *read* sequvia.
On page 1404, line 24 — *For* Drury *read* Druid Hill.
On page 1453, line 21 — *For* 171,808 *read* 189,804. Exhibit 119.
On page 1455, line 2 — *For* 26,000 *read* 21,000. Exhibit 120.

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